

Phone:

(302) 425-6410

Fax:

(302) 428-5132

Email:

Poppiti@BlankRome.com

May 25, 2007

Frederick L. Cottrell, III, Esquire Richards Layton & Finger One Rodney Square 920 N. King Street Wilmington, DE 19801

Richard L. Horwitz, Esquire Potter Anderson & Corroon LLP 1313 North Market Street P.O. Box 951 Wilmington, DE 19801 James L. Holzman, Esquire Prickett Jones & Elliott, P.A. 1310 King Street P.O. Box 1328 Wilmington, DE 19899

Mary B. Graham, Esquire Morris Nichols Arsht & Tunnell LLP 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899-1347

Re: In re Intel Corporation Microprocessor Antitrust Litigation, MDL No. 05-1717-LIF

Dear Counsel:

Enclosed is Invoice No. 868401 for legal services rendered and disbursements made in the above matter through April 30, 2007.

Please be advised that pursuant to paragraph 10 of the Order Appointing Special Master dated May 11, 2006 signed by Judge Farnan the Special Master finds that all matters relating to DM 5 (Fry's Electronics) should be split equally between the Class Plaintiffs and third party, Fry's Electronics. All other time will be split among AMD, Intel and the Class Plaintiffs equally.

Accordingly, the invoice is split as follows:

Class Plaintiffs' share is \$8,660.05 Fry's Electronic's share is \$7,605.50 AMD's share is \$1,054.55 Intel's share is \$1,054.55

Please don't hesitate to contact me should you have any questions in this regard.

VJP:mcl Enclosures Vincent J. Poppiti Special Master

Yours very truly,

Chase Manhattan Centre 1201 Market Street Suite 800 Wilmington, DE 19801
www.BlankRome.com

CHASE MANHATTAN CENTRE 1201 MARKET STREET, SUITE 800 WILMINGTON, DE 19801-2535 302-425-6400 FAX: 302-425-6464 FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ. PRICKETT, JONES & ELLIOTT, P.A. 1310 KING STREET PO BOX 1328 WILMINGTON, DE 19899

INVOICE DATE: MAY 23, 2007 MATTER NO. 062038-00615 02319 INVOICE NO. 868401

RICHARD HORWITZ, ESQ. POTTER ANDERSON & CORROON LLP 1313 NORTH MARKET STREET PO BOX 951 WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

FOR LEGAL SERVICES RENDERED THROUGH 04/30/07 FOR DISBURSEMENTS ADVANCED THROUGH 04/30/07

\$17,779.50 595.15

CURRENT INVOICE TOTAL

\$18,374.65

TOTAL AMOUNT DUE

\$18,374.65

REMITTANCE COPY

Mike Powell

From:

Graham, Mary [MGraham@MNAT.com]

Sent:

Monday, June 11, 2007 11:18 AM

To:

Poppiti, Vincent J.

Cc:

LeVan, Mary; David, Carrie; Carickhoff, David; Athey, J. Clayton; Cottrell, Frederick; Shandler,

Chad; Horwitz, Richard L.; Drane, Jr. W. Harding; Holzman, James L.

Subject:

In re Intel: Apportionment of fees to Fry's

Attachments: 052507 Intel Special Master Invoice 868401 pdf

Dear Judge Poppiti:

We are in receipt of the attached invoice dated May 25, 2007 which allocates a portion of the Special Master's fees and costs for April 2007 to nonparty Fry's Electronics. Is it possible that this apportionment is in error? Our understanding of Rule 53 is that it does not permit apportionment of a special master's fees and costs to a nonparty, and we have found no Third Circuit authority to the contrary.

Your consideration of this matter is greatly appreciated. Respectfully, Mary Graham

<<052507 Intel Special Master Invoice 868401.pdf>>

This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please contact me at (302) 658-9200 or by return e-mail.

Mike Powell

Poppiti, Vincent J. [Poppiti@BlankRome.com] From:

Wednesday, June 13, 2007 10:11 AM Sent:

Graham, Mary To:

LeVan, Mary; David, Carrie; Carickhoff, David; Athey, J. Clayton; Cottrell, Frederick; Shandler, Cc:

Chad; Horwitz, Richard L.; Drane, Jr. W. Harding; Holzman, James L.

Subject: RE: In re Intel: Apportionment of fees to Fry's

Dear Ms. Graham,

Thank you for your email guestioning the apportionment of fees in my invoice of May 25, 2007. I will wait to hear from counsel for the Class before responding. Yours very truly- vip

Vincent J. Poppiti | Partner | Blank Rome LLP

Chase Manhattan Centre, 1201 Market Street, Suite 800 | Wilmington, DE 19801 Phone: (302)425-6410 | Fax: (302)428-5132 | Email: Poppiti@BlankRome.com

From: Graham, Mary [mailto:MGraham@MNAT.com]

Sent: Monday, June 11, 2007 2:18 PM

To: Poppiti, Vincent J.

Cc: LeVan, Mary; David, Carrie; Carickhoff, David; Athey, J. Clayton; Cottrell, Frederick; Shandler, Chad; Horwitz,

Richard L.; Drane, Jr. W. Harding; Holzman, James L. Subject: In re Intel: Apportionment of fees to Fry's

Dear Judge Poppiti:

We are in receipt of the attached invoice dated May 25, 2007 which allocates a portion of the Special Master's fees and costs for April 2007 to nonparty Fry's Electronics. Is it possible that this apportionment is in error? Our understanding of Rule 53 is that it does not permit apportionment of a special master's fees and costs to a nonparty. and we have found no Third Circuit authority to the contrary.

Your consideration of this matter is greatly appreciated. Respectfully,

Mary Graham

<<052507 Intel Special Master Invoice 868401.pdf>>

This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that

the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please contact me at (302) 658-9200 or by return e-mail.

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

Any Federal tax advice contained herein is not intended or written to be used, and cannot be used by you or any other person, for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Code. This disclosure is made in accordance with the rules of Treasury Department Circular 230 governing standards of practice before the Internal Revenue Service. Any written statement contained herein relating to any Federal tax transaction or matter may not be used by any person without the express prior written permission in each instance of a partner of this firm to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed herein.

This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please contact me at (302) 658-9200 or by return e-mail.

Case 1:05-md-01717-JJF Document 520

Filed 06/25/2007

Page 1 of 3

PRICKETT, JONES & ELLIOTT

Writer's Direct Dial: (302)888-6507 Writer's Telecopy Number: (302)658-8111 Writer's E-Mail Address: JCAthey@prickett.com A PROFESSIONAL ASSOCIATION
1310 KING STREET, BOX 1328
WILMINGTON, DELAWARE 19899
TEL: (302) 888-6500
FAX: (302) 658-8111
http://www.prickett.com

Dover Office: 11 NORTH STATE STREET DOVER, DELAWARE 19901 TEL: (302) 674-3841 FAX: (302) 674-5864

June 25, 2007

VIA HAND AND EMAIL

The Honorable Vincent J. Poppiti Blank Rome LLP Chase Manhattan Centre, Suite 800 1201 N. Market Street Wilmington, DE 19801-4226

Re: DM 5;

In re Intel Corp. Microprocessor Antitrust Litigation, MDL No. 05-1717-JJF; Advanced Micro Devices, Inc., et al. v. Intel Corp., et al., C.A. No. 05-441-JJF; Phil Paul v. Intel Corp., Consolidated C.A. No. 05-485-JJF

Dear Judge Poppiti:

I write on behalf of Class Plaintiffs concerning Fry's objection to the allocation of the Special Master's fees in respect of Discovery Matter 5 ("DM 5") as between Class Plaintiffs and Fry's Electronics, Inc. ("Fry's"), as detailed in Your Honor's letter to counsel of May 25, 2007. Class Plaintiffs believe that the Special Master has authority to allocate a portion of his compensation to third parties, and that in this discovery matter to date, he properly exercised his discretion in apportioning one-half of his time to Fry's. Fry's has provided no persuasive reason to change this allocation.

The Special Master is not powerless to require third parties to share in costs generated by their conduct. Where the actions of a nonparty have led to a discovery dispute or increased the cost of a special master's involvement in the dispute, the assessment of special master compensation to that nonparty is appropriate. See Nebraska v. Wyoming and Colorado, 504 U.S. 982, 982 (1992) (assessing special master's fees and expenses on nonparty amici); United States v. Duke Energy Corp., 2006 WL 2547986, at *2 (D.D.C. Aug. 31, 2006) (on motion to compel nonparty's compliance with subpoena, nonparty responsible for payment of special master's fees and costs) (Ex. A); see also EEOC v. Int'l Union of Elec., Radio and Mach. Workers, 631 F.2d 81 (6th Cir. 1980) (assessing Special Master fees against nominal defendants despite their argument that no relief was sought against them in the litigation).

Nothing in Federal Rule of Civil Procedure 53 bars the Special Master, when appropriate, from including a third party in an allocation of costs. To the contrary, Rule 53 expressly permits the district court to require payment of the Special Master's compensation "from a fund or subject matter of the action within the court's control." Fed. R. Civ. P. 53(h)(2)(B). As long as the court has jurisdiction over a third party, the Special Master can reach the nonparty's assets, which in that situation are "a fund or subject matter of the action within the court's control."

Case 1:05-md-01717-JJF Document 520 Filed 06/25/2007 Page 2 of 3

The Honorable Vincent J. Poppiti June 25, 2007 Page 2

Here, the Court has concluded that it has jurisdiction to enforce the subpoena served on Fry's, and as an integral part of that jurisdiction, can require Fry's to pay its share of the cost of adjudicating Fry's obligations under the subpoena. Moreover, the Special Master may allocate his compensation to a nonparty as a sanction under Rule 53(c) (authorizing master to recommend "sanctions against a nonparty") or Rule 45(e) (providing that failure to comply with subpoena "without adequate excuse" "may be deemed a contempt of court").

The Court's May 11, 2006 Order Appointing Special Master ("Special Master Order") also permits the Special Master to allocate a portion of the obligation to pay his compensation to third parties. The Special Master Order provides that the Special Master's compensation and expenses shall be shared equally by "the parties" "unless otherwise ordered by the Special Master." Special Master Order ¶10, D.I. 73 in 05-MD-1717. A "party" may be assessed a disproportionate share of the Special Master's compensation and expense if it "engages in behavior that hinders the efficient resolution" of the discovery dispute. *Id*.

In the context of a Discovery Matter before the Special Master, the term "party" should be properly read to mean a party to the Discovery Matter, not just a party to the underlying litigation. This is so for at least two reasons. First, the Special Master is authorized "to regulate all proceedings and take all measures necessary to manage electronic discovery production" Id. ¶ 2 (emphasis added). It was clear when the Special Master Order was entered that this case would involve substantial electronic discovery from third parties, and the Special Master subsequently has in fact presided over proceedings involving third parties. Surely it was contemplated when the Special Master Order was entered that third parties might appear before the Special Master on a discovery dispute. Second, the Special Master's authority to specially apportion his charges based on a party's conduct can be appropriately discharged only if he can take account of the behavior of all those before him in a discovery matter - including any third parties acting unreasonably. See Pennsylvania v. Operating Eng'rs, 507 F.Supp. 1146, 1163 (E.D.Pa. 1980) ("the cost of a master should be borne by the party or parties whose conduct necessitated the reference to the master"), aff'd without opinion, 648 F.2d 923 (3d Cir. 1981), rev'd on other grounds, 458 U.S. 375 (1982). Thus, common sense and fairness dictate that Fry's be considered a party as that term is used in paragraph 10 of the Special Master Order, because it is a party in DM 5. As such, Fry's is subject to the Special Master's authority to apportion his compensation and expenses.

The Special Master's allocation of a portion of his fees and expenses to Fry's is appropriate in light of Fry's conduct in failing to produce the transactional data called for by the subpoenas served by Class Plaintiffs, AMD and Intel. Fry's intransigence required the Special Master's intervention in the first place, and its insistence that the protective order in this litigation be amended and that this Court lacked jurisdiction multiplied the time the Special Master has needed to devote to this discovery matter. In particular, Fry's effort to modify the protective order – raising the same issues that had been raised, considered and decided on a full record a year before – generated expense that Fry's should bear. The cost of a special master should be borne by those whose conduct necessitated the special master's involvement. Because

Case 1:05-md-01717-JJF Document 628-2 Filed 10/19/2007 Page 12 of 66

The Honorable Vincent J. Poppiti June 25, 2007 Page 3

of Fry's responsibility for the time the Special Master expended on DM 5, it is appropriate that Fry's bear at least half of the costs for the Special Master's efforts.

For the foregoing reasons, Class Plaintiffs believe that the Special Master has authority to allocate a portion of his compensation for time spent on DM 5 to Fry's and that Fry's challenge to the Special Master's authority should be rejected.¹

Respectfully,

. Clayton Athe

JLH/sam

cc: Frederick L. Cottrell, III, Esq. Richard L. Horwitz, Esq.

¹ Class Plaintiffs reserve the right to request under Rule 53 or 45 that Fry's bear a greater share of the costs once all matters related to DM 5 have been decided. We also note in the event that Fry's produces data to Class Plaintiffs, that AMD and Intel, as a condition of receiving the data, should reimburse Class Plaintiffs for an appropriate portion of the cost Class Plaintiffs incurred in obtaining the data.

Case 1:05-md-01717-JJF Document 628-2 Filed 10/19/2007 Page 13 of 66

Case 1:05-md-01717-JJF Document 520-2 Filed 06/25/2007 Page 1 of 5



Westlaw.

Slip Copy

Slip Copy, 2006 WL 2547986 (D.D.C.) (Cite as: Slip Copy)

Page 1

Н

U.S. v. Duke Energy Corp. D.D.C.,2006.

Only the Westlaw citation is currently available.
United States District Court, District of Columbia.
UNITED STATES of America, et al., Plaintiffs,

DUKE ENERGY CORPORATION, Defendant. United States of America, et al., Plaintiffs,

Ohio Edison Company, et al., Defendants. United States of America, et al., Plaintiffs,

Southern Indiana Gas and Electric Company,
Defendant.

United States of America, et al., Plaintiffs,

Cinergy Corporation, PSI Energy, Incorporated, Cincinnati Gas & Electrical Company, Defendants. United States of America, et al., Plaintiffs, andState of New York, et al., Plaintiff-Intervenors,

American Electrical Power Service Corporation, et al., Defendants.

Civil Action Nos. 1:00 CV 1262, C2-99-1181, IP99-1692-C-M/F, IP99-1693 C-M/S 1:00 CV, C2-99-1182; C2-99-1250.

Miscellaneous Nos. 02-0480 (PLF/AK), 04-0065 (PLF/AK).

Aug. 31, 2006.

Jason A. Dunn, Thomas L. Sansonetti, U.S. Department of Justice, Mark E. Nagle, Roscoe Howard, Jr., Troutman Sanders, LLP, William Rakestraw Cowden, U.S. Attorney's Office, Washington, DC, for Plaintiffs.

Bradley Joseph Bondi, Kirkland & Ellis LLP, John

Bradley Joseph Bondi, Kirkland & Ellis LLP, John Joseph Buckley, Jr., Williams & Connolly, Lydia Kay Griggsby, U.S. Senate Office, Washington, DC, for Movant.

MEMORANDUM OPINION AND ORDER

PAUL L. FRIEDMAN, District Judge.

*1 This matter is before the Court in these consolidated cases for consideration of Magistrate Judge Alan Kay's Report and Recommendation [Docket No. 57 in ms02-480] of March 30, 2005. FN1 The United States objected to the March 30, 2005 Report on April 18, 2005[58]. Non-party Utility Air Regulatory Group ("UARG") responded to the government's objections [59], and the government replied [60].

FN1. Unless otherwise noted, all docket document number citations herein refer to the docket in *United States v. Duke Energy*, Misc. Case No. 02-0480 (PLF/AK), rather than the docket in the consolidated case of *United States v. Cinergy Corp.*, Misc. Case No.04-0065 (PLF/AK).

Under 28 U.S.C. § 636(b)(1), Rule 72(a) of the Federal Rules of Civil Procedure and Local Civil Rule 72.3(b), an aggrieved party may file objections to or seek reconsideration of a magistrate judge's ruling or report and recommendation regarding non-dispositive matters within ten days of the issuance thereof. Upon consideration of such objections, the district court may modify or set aside any portion of the magistrate judge's order or recommendation if it is "clearly erroneous or contrary to law." Rule 72(a), Fed.R.Civ.P.; see also LCvR 72.2(c); In re United Mine Workers of America Employee Benefit Plans Litigation, 159 F.R.D. 307, 308 (D.D.C.1994); FSLIC v. Commonwealth Land Title Insurance Co., 130 F.R.D. 507, 508 (D.D.C.1990).

In his earlier Reports and Recommendations, Magistrate Judge Kay set out a procedure for review of assertedly privileged documents by a Special Master. This Court adopted the previous Reports from Magistrate Judge Kay on January 3, 2005[55]. The documents were then reviewed by a Special Master who was agreed on by the parties,

© 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.

Case 1:05-md-01717-JJF

Document 520-2

Filed 06/25/2007

Page 3 of 5

Slip Copy

Page 2

Slip Copy, 2006 WL 2547986 (D.D.C.) (Cite as: Slip Copy)

Judge Richard A. Levie (Retired). The Special Master prepared a report dated March 7, 2005, which was reviewed in camera by Magistrate Judge Kay. As a result of this review, Magistrate Judge Kay recommends in his March 30 Report that: (1) the Special Master's Report and Recommendation be adopted by this Court and the privilege be upheld with respect to the documents withheld from production; (2) the Special Master's Report be unsealed and turned over to the parties since it does not disclose the actual substance of and communications deemed to be privileged or protected; and (3) the Government's motion to compel [Docket No. 1 in Duke Energy and Docket No. 1 in Cinergy] be denied, with the government and UARG each to bear their own costs.

Upon careful consideration of the Report and Recommendation of Magistrate Judge Kay, a review of Judge Levie's report, and the entire record in this matter, it is hereby

ORDERED that the Report and Recommendation [57] of Magistrate Judge Alan Kay is ADOPTED and APPROVED: it is

FURTHER ORDERED that the report of the Special Master be unsealed and made available to the parties; it is

FURTHER ORDERED that the Special Master's Report and Recommendation is adopted by this Court; it is

FURTHER ORDERED that the United States' motions to compel compliance with subpoenas [Docket # 1 in ms02-0480; Docket # 1 in ms04-0065] are DENIED; and it is

FURTHER ORDERED that all other pending motions are DENIED as moot.

SO ORDERED.
ALAN KAY, Magistrate Judge.

REPORT AND RECOMMENDATION

*2 The above-captioned cases were initially referred to the undersigned for a report and

recommendation on Plaintiff United States' pending motions to compel non-party Utility Air Regulatory Group's compliance with subpoenas, and UARG's oppositions thereto and motions to quash the subpoenas. The undersigned issued a June 9, 2003 Report and Recommendation, an October 22, 2003 Supplemental Report and Recommendation [addressing the parties' objections and request for clarification of the first Report Recommendation], and a November 23, 2004 Report and Recommendation [recommending that second miscellaneous action be treated in a consistent manner with the first miscellaneous action.] See Reports and Recommendations docketed at [27] and [41] in the Duke Energy case, and at [9] in the Cinergy Corp. case. Because of the number of contested documents at issue, and the fact that no privilege log had been produced by UARG, the undersigned's first Report and Recommendation recommended that the trial court " appoint a Special Master for the purpose of reviewing between six and ten documents from each of the twenty boxes of contested documents, with the exact number to be determined by the Special Master and the documents to be randomly selected by the Special Master." June 9, 2003 Report and Recommendation at 14. The undersigned further recommended that UARG be held responsible for payment of the Special Master's fees and costs relating to his initial review of the contested documents, with the costs of any further review to be divided between UARG and the Government. Id. at 15.

On January 3, 2005, the trial court issued a Memorandum Opinion and Order adopting and approving all three Reports and Recommendations, and directing the undersigned to appoint a Special Master under the procedures and pursuant to the rulings and guidelines set forth in the June 9, 2003 Report and Recommendation, as clarified and supplemented by the Supplemental Report and Recommendation dated October 22, 2003. On February 9, 2005, the undersigned ordered the appointment of a mutually agreed-upon individual, Judge Richard A. Levie (Retired), to act as Special Master. The Special Master was charged with performing an initial review of documents in camera to determine the applicability of UARG's privilege

Case 1:05-md-01717-JJF

Document 520-2

Filed 06/25/2007

Page 4 of 5

Slip Copy

Page 3

Slip Copy, 2006 WL 2547986 (D.D.C.) (Cite as: Slip Copy)

claims. The Special Master's fees and reasonable costs were to be borne by UARG. See February 9, 2005 Order Appointing Special Master.

On March 7, 2005, the Special Master filed his Report and Recommendation, indicating that he had reviewed a random sampling of the documents provided by UARG.FN1 The Special Master recommended that UARG's claim of privilege be sustained on almost every document, with the exception of a few "groups of documents," noting however that, as a practical matter, the Court might decline to order production of those groups of documents on grounds that the time and resources needed to separate such documents exceeds the value of such documents. Report at 5.FN2 The Special Master further explained that there were several specific documents of the 200 reviewed where he disagreed with the claims of privilege but many of those documents are "publicly available documents attached to documents for which there is a recommendation that the bulk of the document be found protected...." Report at 6. He reiterated his conclusion that there is a practical question whether the Government's need for such documents outweighs the time and resources needed to cull out and disclose those documents. Report at 7. The Special Master then engaged in a thorough legal analysis of the attorney-client privilege and work product protection claims and his Report concluded with a document-by-document analysis and suggested ruling on UARG's claims.

FN1. Following the random selection of 227 documents, 27 documents were found to be subject to privilege rulings by other courts and were therefore excluded from the Special Master's review. For the remaining 200 documents, UARG provided the Special Master and the Government with a privilege log indicating its privilege claims.

FN2. Such groups of documents include lists of UARG meetings, facsimile cover sheets, meeting attendance sheets.

RECOMMENDATION

*3 Based upon the Special Master's conclusions that the vast majority of UARG documents are privileged, with a limited number of insignificant exceptions, the undersigned recommends that the Special Master's Report and Recommendation be adopted by the trial court and the privilege be upheld with respect to the documents withheld from production. The undersigned recommends that the Special Master's Report be unsealed and turned over to the parties since it does not disclose the actual substance of any communications deemed to be privileged or protected. The undersigned further recommends that if the Special Master's Report and Recommendation is adopted by the trial court, the Government's motions to compel, docketed at [1] [Duke Energy] and [1] [Cinergy] be denied, and UARG's motions to quash, docketed at [6] [Duke Energy] and [3] [Cinergy] be granted, with the Government and UARG to bear their own costs associated with filing such motions.

REVIEW BY THE DISTRICT COURT

The parties are hereby advised that under the provisions of Local Rule 72.3(b) of the United States District Court for the District of Columbia, any party who objects to the Report and Recommendation must file a written objection thereto with the Clerk of this Court within 10 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the report and/or recommendation to which objection is made, and the basis for such objections. The parties are further advised that failure to file timely objections to the findings and recommendations set forth in this report may waive their right of appeal from an order of the District Court that adopts such findings and recommendation. See Thomas v. Arn, 474 U.S. 140 (1985). If this Report and Recommendation is served on the parties by mail, calculation of the time period for filing written objections is as follows: 10 business days (excluding weekends and holidays) plus three calendar days (including weekends and holidays). See CNPq-Conselho Nacional De Desenvolvimento Cientifico E Technological v. Inter-Trade, Inc., 50 F.3d 56, 58 (D.C.Cir.1995) (per curiam).

Case 1:05-md-01717-JJF Document 628-2 Filed 10/19/2007 Page 17 of 66

Slip Copy

Page 4

Slip Copy, 2006 WL 2547986 (D.D.C.) (Cite as: Slip Copy)

D.D.C.,2006. U.S. v. Duke Energy Corp. Slip Copy, 2006-WL 2547986 (D.D.C.)

END OF DOCUMENT

Morris, Nichols, Arsht & Tunnell Llp

1201 North Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347

302 658 9200 302 658 3989 Fax

MARY B. GRAHAM (302) 351-9199 mgraham@mnat.com

DM5

July 10, 2007

VIA HAND DELIVERY AND EMAIL

The Honorable Vincent J. Poppiti Blank Rome LLP Chase Manhattan Centre, Suite 800 Wilmington, DE 19801-4226

Re: Phil Paul v. Intel Corporation, C.A. No. 05-485 (JJF) Consolidated;

Intel Corp. Microprocessor Antitrust Litigation, MDL Docket No. 05-1717 (JJF)

Dear Judge Poppiti:

Fry's respectfully submits this response to Class Plaintiffs' letter dated June 25, 2007 concerning the allocation of a portion of the Special Master's fees to nonparty Fry's Electronics, Inc.

Compensation of Special Master

Federal Rule of Civil Procedure 53 governs the appointment of a special master. Rule 53(h) sets forth the compensation scheme for special masters and provides in pertinent part:

(h) Compensation.

- (1) Fixing Compensation. The court must fix the master's compensation before or after judgment on the basis and terms stated in the order of appointment, but the court may set a new basis and terms after notice and an opportunity to be heard.
- (2) Payment. The compensation fixed under Rule 53(h)(1) must be paid either:

The Honorable Vincent J. Poppiti July 10, 2007 Page 2

- (A) by a party or parties; or
- from a fund or subject matter of the (B) action within the court's control.
- Allocation. The court must allocate payment of the master's compensation among the parties after considering the nature and amount of the controversy, the means of the parties, and the extent to which any party is more responsible that other parties for the reference to a master. An interim allocation may be amended to reflect a decision on the merits.

Fed. R. Civ. P. 53(h) (emphasis added).

The language of the rule expressly requires payment of a special master's compensation by the parties except under circumstances where the fees may be satisfied from a "fund or subject matter of the action within the court's control." Because this very limited exception has no applicability to the present case, the Special Master's fees must be apportioned among the parties -- Class Plaintiffs, AMD, and Intel.²

Consistent with the mandate of Rule 53, the Court's May 11, 2006 Order Appointing Special Master requires that the Special Master's fees be "shared equally be [sic] the parties." May 11, 2006 Order, ¶10. The May 11, 2006 Order further specifies that "the Special Master shall send statements for services and expenses directly to counsel for the parties on a monthly basis, and shall receive payment directly from counsel for the parties in a timely fashion." Id. Moreover, the September 15, 2004 Order establishing a Special Master Panel (referenced in the May 11, 2006 Order), requires that "the compensation, costs and expenses of a Special Master shall be allocated equally among the parties unless otherwise ordered by the Court upon recommendation by the Special Master." September 15, 2004 Order, ¶4(b).

Rule 53 -- as well as the relevant Court Orders -- dictates that the Special Master's fees are to be born entirely by the parties (i.e., plaintiffs and defendants). Class Plaintiffs' argument that the term "party" as it is used in the Federal Rules and in the Court's

¹ This exception typically applies in connection with litigation seeking to establish a common fund. See e.g., In re Emex Corp. Secs. Litigation, 2004 WL 444538 (D.C.N.Y. 2004) (trial court held that special master would be paid from the Settlement Fund rather than by the parties).

² The Federal Rules expressly define the term "party" to mean any plaintiff or defendant named in a complaint. See Fed. R. Civ. P. 10 (requiring that the complaint identify each "party" to the lawsuit). Therefore, a person not named in the complaint cannot be a "party" under the Federal Rules.

The Honorable Vincent J. Poppiti July 10, 2007 Page 3

May 11, 2006 Order should be construed to include a "nonparty" subject to a motion to compel is not supported by any authority whatsoever and would render Rule 53's use of the term "nonparty" superfluous. See, e.g., Fed. R. Civ. P. 53(c) ("The master . . . may recommend a contempt sanction against a party and sanctions against a nonparty."). Such a tortured construction is not only contrary to the basic rules of statutory construction, it also raises serious due process concerns.

Discussion Of The Cases Cited By Class Plaintiffs

None of the authorities cited by Class Plaintiffs stands for the proposition that a nonparty such as Fry's may be apportioned a percentage of a special master's fees where the nonparty has been involuntarily haled into court on a motion to compel discovery. Indeed, neither Class Plaintiffs nor Fry's has been able to locate a single decision wherein the Court has construed Rule 53(h) to permit a special master to apportion special master fees to a nonparty. In the absence of such authority, Class Plaintiffs' request that Fry's bear some portion of the Special Master's fees should be denied.

Each of the cases relied upon by Class Plaintiffs is readily distinguishable from the present case -- either because the nonparties consented to the apportionment or the case involved apportionment to a named plaintiff or defendant. For example, in Nebraska v. Wyoming, a special master appointed by the United States Supreme Court (acting as trial court in an action between states) imposed a portion of a special master's fee on various proposed The Court permitted the parties and the proposed intervenors/amici to intervenors/amici. comment on the suggestion from the special master that the intervenors/amici be assessed a portion of the fees. The opinion approving the order specifically found that "no party or the proposed intervenor/amicus has objected to the propriety of including nonobjecting amici in the assessment." Nebraska v. Wyoming, 504 U.S. 982, 982 (1992). As a result, the Court did "not reach the issue, deeming the parties to have agreed with the procedure." Id. Notably, Justice Stevens dissented, finding that the Court has no authority to assess costs against nonparties. Id. Nonetheless, because the majority holding involved an intervening amici who voluntarily chose to take part in the proceedings and did not object to the apportionment of fees (and, as proposed intervenors, were seeking "party" status), it is distinguishable from the present case. Similarly, in United States v. Duke Energy Corp., also relied upon by Class Plaintiffs, the nonparty which was ordered to bear a portion of the special master's fees did not object and thus the issue of whether a district court has the authority to impose fees under Rule 53 was not decided. United States v. Duke Energy Corp., 2006 WL 2547986 at *1 (D.D.C.) (objections to special master's report filed by plaintiff United States, not by nonparty UARG).

Class Plaintiffs' reliance on <u>EEOC v. Int'l Union Elec.</u>, <u>Radio and Mach. Workers</u> is wholly misplaced as that decision permitted the allocation of a portion of the special master's fees to a "party" to the action, namely a nominal defendant who had actively participated in the litigation and filed a motion to be realigned as a plaintiff. <u>EEOC v. Int'l Union Elec.</u>, <u>Radio and Mach. Workers</u>, 631 F.2d 81, 82 (6th Cir. 1980). Such allocation, unlike that requested here, was entirely consistent with Rule 53.

The Honorable Vincent J. Poppiti July 10, 2007 Page 4

Finally, Class Plaintiffs argue -- without citation to any authority -- that Fry's should be ordered to pay a portion of the Special Master's fees as a <u>de facto</u> sanction for objecting to the subpoena thereby "requir[ing] the Special Master's intervention in the first place" <u>See Class Plaintiffs' letter</u>, dated June 25, 2007 at 2. This is simply not the law. To the contrary, the law is clear that a nonparty may not be sanctioned unless it violates a court order. <u>See Cruz v. Meachum</u>, 159 F.R.D. 366, 368 (D. Conn. 1994); <u>24 Hour Fitness U.S.A., Inc. v. 24/7 Tribeca Fitness, L.L.C.</u>, 2006 WL 1881763, *2 (S.D.N.Y. Jul 06, 2006); <u>Heartland Surgical Specialty Hosp., LLC v. Midwest Div., Inc.</u>, 2007 WL 852521, *7+ (D. Kan. Mar 16, 2007); <u>Taylor v. Hart</u>, 2007 WL 1959211, *1 (S.D. Ohio Jun 29, 2007). Accordingly, because there was no court order to produce the subpoenaed documents, Fry's cannot be sanctioned.

Conclusion

Fry's has been anything but intransigent in its dealings with Class Plaintiffs. Fry's is merely a third party that has been brought into this action by subpoena. Fry's has spent countless hours and incurred substantial attorneys' fees and other costs explaining its information systems and negotiating in good faith with Class Plaintiffs, AMD, and Intel in the hopes of reaching a solution to this dispute that provides the parties with legitimate discovery and that minimizes Fry's acknowledged trade secret concerns. It is the lack of particularity and the extreme breadth of Class Plaintiffs' subpoena that is the true source of the present dispute -- not nonparty Fry's conduct. Accordingly, the expenses incurred by the Special Master are therefore appropriately born by the parties.

In view of the clear mandate of Rule 53(h) that the Special Master's fees "must" be apportioned "among the parties," Fry's respectfully requests that the Special Master reissue the May 25, 2007 invoice and apportion his fees among Class Plaintiffs, AMD, and Intel.

Respectfully,

/s/Mary B. Graham

Mary B. Graham

MBG/lm

Cc: Clerk of the Court (via efiling and hand delivery)
J. Clayton Athey, Esq. (via email)
James L. Holzman, Esq. (via email)
Frederick L. Cottrell, III, Esq. (via email)
Richard L. Horwitz, Esq. (via email)
Dale R. Dube (via email)
Carrie David (via email)
Mary Levan (via email)

949798



Phone:

(302) 425-6410

Fax:

(302) 428-5132

Email:

Poppiti@BlankRome.com

September 11, 2007

Mary B. Graham, Esquire

Morris Nichols Arsht & Tunnell LLP

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

James L. Holzman, Esquire Prickett Jones & Elliott, P.A.

1310 King Street

P.O. Box 1328

Wilmington, DE 19899

Re: In re Intel Corporation Microprocessor Antitrust Litigation,

MDL No. 05-1717-JJF

Dear Counsel:

Listed below are the monthly invoice totals regarding Fry's portion only. Please take note that these are totals and allocation is yet to be determined.

April Time \$15,211.00 May Time \$29,353.00 Lyne Time \$1,564.50

June Time \$ 1,564.50 July Time \$ 4,089.92

August Time \$ 338.50

TOTAL

\$50,556.92¹

Please don't hesitate to contact me should you have any questions in this regard.

VJP:mcl Enclosures

Vincent J. Poppiti Special Master

¹ Please note that \$44,141.50 represents time on or before the entry of the Special Master's May 18, 2007 Report and Recommendations (D.I. 482). \$6,415.42 represents time post the May 18, 2007 Report and Recommendation.

CHASE MANHATTAN CENTRE 1201 MARKET STREET, SUITE 800 WILMINGTON, DE 19801-2535 302-425-6400 FAX: 302-425-6464 FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ. PRICKETT, JONES & ELLIOTT, P.A. 1310 KING STREET PO BOX 1328 WILMINGTON, DE 19899

INVOICE DATE: MAY 23, 2007 MATTER NO. 062038-00615 02319 INVOICE NO. 868401

RICHARD HORWITZ, ESQ. POTTER ANDERSON & CORROON LLP 1313 NORTH MARKET STREET PO BOX 951 WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

FOR LEGAL SERVICES RENDERED THROUGH 04/30/07 FOR DISBURSEMENTS ADVANCED THROUGH 04/30/07

\$17,779.50 595.15

CURRENT INVOICE TOTAL

\$18,374.65 -------

TOTAL AMOUNT DUE

\$18,374.65

REMITTANCE COPY

CHASE MANHATTAN CENTRE
1201 MARKET STREET, SUITE 800
WILMINGTON, DE 19801-2535
302-425-6400 FAX: 302-425-6464
FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ.
PRICKETT, JONES & ELLIOTT, P.A.
1310 KING STREET
PO BOX 1328
WILMINGTON, DE 19899

INVOICE DATE: JULY 26, 2007
MATTER NO. 062038-00615 02319
INVOICE NO. 878552

RICHARD HORWITZ, ESQ.

POTTER ANDERSON & CORROON LLP

1313 NORTH MARKET STREET

PO BOX 951

WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

DATE	INVOICE	AMOUNT	PAYMENT	BALANCE	
05/23/07 07/20/07	868401 877954	\$18374.65 \$3716.07	(\$10769.15) \$.00	\$7605.50 \$3716.07	
BALANCE FO	RWARD				\$11,321.57
FOR LEGAL SERVICES RENDERED THROUGH 05/31/07 FOR DISBURSEMENTS ADVANCED THROUGH 05/31/07				\$31,683.00 671.91	
CURRENT INVOICE TOTAL				-	\$32,354.91
TOTAL AMOU	NT DUE				\$43,676.48

CHASE MANHATTAN CENTRE
1201 MARKET STREET, SUITE 800
WILMINGTON, DE 19801-2535
302-425-6400 FAX: 302-425-6464
FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ.
PRICKETT, JONES & ELLIOTT, P.A.
1310 KING STREET
PO BOX 1328
WILMINGTON, DE 19899

INVOICE DATE: JULY 20, 2007 MATTER NO. 062038-00615 02319 INVOICE NO. 877954

RICHARD HORWITZ, ESQ.

POTTER ANDERSON & CORROON LLP

1313 NORTH MARKET STREET

PO BOX 951

WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

DATE	INVOICE	AMOUNT	PAYMENT	BALANCE	
05/23/07 06/20/07	868401 872859	\$18374.65 \$33201.91	(\$10769.15) \$.00	\$7605.50 \$33201.91	
BALANCE FO	RWARD				\$40,807.41
FOR LEGAL SERVICES RENDERED THROUGH 06/30/07 FOR DISBURSEMENTS ADVANCED THROUGH 06/30/07				\$3,529.50 186.57	
CURRENT IN	VOICE TOTA	L			\$3,716.07
TOTAL AMOU	NT DUE				\$44,523.48

CHASE MANHATTAN CENTRE 1201 MARKET STREET, SUITE 800 **WILMINGTON, DE 19801-2535** 302-425-6400 FAX: 302-425-6464 FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ. PRICKETT, JONES & ELLIOTT, P.A. 1310 KING STREET PO BOX 1328 WILMINGTON, DE 19899

INVOICE DATE: AUGUST 7, 2007 MATTER NO. 062038-00615 02319 INVOICE NO. 879986

RICHARD HORWITZ, ESQ. POTTER ANDERSON & CORROON LLP 1313 NORTH MARKET STREET PO BOX 951 WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

DATE	INVOICE	AMOUNT	PAYMENT	BALANCE	
05/23/07 07/20/07 07/26/07	868401 877954 878552	\$18374.65 \$3716.07 \$32354.91	(\$10769.15) \$.00 \$.00	\$7605.50 \$3716.07 \$32354.91	
BALANCE FO	RWARD				\$43,676.48
FOR LEGAL S	SERVICES R SEMENTS AD	ENDERED THROUG	GH 07/31/07 H 07/31/07	\$7,274.50 188.40	
CURRENT IN	OICE TOTA	L			\$7,462.90
TOTAL AMOUN	IT DUE				\$51,139.38

CHASE MANHATTAN CENTRE 1201 MARKET STREET, SUITE 800 WILMINGTON, DE 19801-2535 302-425-6400 FAX: 302-425-6464 FEDERAL TAX ID NO. 23-1311874

JAMES L. HOLZMAN, ESQ. PRICKETT, JONES & ELLIOTT, P.A. 1310 KING STREET PO BOX 1328 WILMINGTON, DE 19899

INVOICE DATE: SEPTEMBER 11, 2007 MATTER NO. 062038-00615 02319 INVOICE NO. 885854

RICHARD HORWITZ, ESQ. POTTER ANDERSON & CORROON LLP 1313 NORTH MARKET STREET PO BOX 951 WILMINGTON, DE 19801

REGARDING: SPECIAL MASTER APPOINTMENT BY THE

U. S. DISTRICT COURT

INTEL CORPORATION, C.A. NO. 05-1717-JJF -

APPOINTMENT AS SPECIAL MASTER BY THE HONORABLE JOSEPH J. FARNAN

DATE	INVOICE	TRUOMA	PAYMENT	BALANCE	
05/23/07	868401	\$18374.65	(\$10769.15)	\$7605.50	
07/20/07	877954	\$3716.07	\$.00	\$3716.07	
07/26/07	878552	\$32354.91	\$.00	\$32354.91	
08/07/07	879986	\$7462.90	\$.00	\$7462.90	·
BALANCE FO	RWARD				\$51,139.38
		ENDERED THROUG		\$12,073.50 499.37	
CURRENT IN	VOICE TOTA	L			\$12,572.87
TOTAL AMOU	NT DUE				\$63,712.25

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES,

Plaintiffs,

Otivil Action No.
05-441-JJF

V.

INTEL CORPORATION,

Defendant.

Teleconference in above matter taken pursuant to notice before Renee A. Meyers, Certified Realtime Reporter and Notary Public, in the offices of BLANK ROME, LLP, 1201 North Market Street, Wilmington, Delaware, on Thursday, September 27, 2007, beginning at approximately 11:30 a.m., there being present:

BEFORE:

THE HONORABLE VINCENT J. POPPITI, ESQ., SPECIAL MASTER

APPEARANCES:

O'MELVENY & MYERS
MARK SAMUELS, ESQ.
1999 Avenue of the Stars
Los Angeles, California 90067
for AMD

CORBETT & WILCOX
Registered Professional Reporters
230 North Market Street Wilmington, DE 19899
(302) 571-0510
www.corbettreporting.com
Corbett & Associates is not affiliated
With Wilcox & Fetzer, Court Reporters

2 (Pages 2 to 5)

	Page 2		Page 4
1	APPEARANCES (Continued):	1	back at the e-mail from your assistant, it sounded like
2	RICHARDS, LAYTON & FINGER	2	maybe you would want to be finished by 12 so then I
3	FREDERICK L, COTTRELL, III, BSQ. One Rodney Square	3	e-mailed back to her.
4	Wilmington, DE 19899	4	SPECIAL MASTER POPPITI: I was wanting to
8	for AMD	5	accommodate your respective schedules. I was pretty
卷:	POTTER, ANDERSON & CORROON W, HARDING DRANE, JR. ESQ.	6	good today.
7	1313 North Market Street, 6th Floor Wilmington, DE 19899	7	MS. GRAHAM: Okay. Well, if he doesn't get
8	for Intel	8	on, I am pretty confident that he would be available,
	MORRIS, NICHOLS, ARSHT & TUNNELL	9	you know, within the next half hour, but he is the one
9:	MARY B. GRAHAM, ESQ. 1201 North Market Street	10	that's really going to need to respond, I think, to your
.10	Wilmington, Delaware 19899 for Frys Electronics	11	questions.
11	QUINN EMANUEL	12	SPECIAL MASTER POPPITE: Okay.
iz	MICHAEL POWELL, ESQ. 865 S. Figueroa Street, 10th Floor	13	MS. GRAHAM: Hopefully, you know, I called
13	Les Angeles, California 90017	14	his office and his cell and I had e-mailed him this
14	for Frys Electronics	15	
15	PRICKETT, JONES & ELLIOTT J. CLAYTON ATHEY, ESO.	1	morning.
16	1310 King Street Wilmington, DE 19801	16	SPECIAL MASTER POPPITI: And not heard back
	for Class	17	MS. GRAHAM: And I haven't heard back, and I
27	COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.	18	asked him to confirm that he was aware it was at 11:30.
18	DANIEL SMALL, ESQ. 1100 New York Avenue, N.W	19	SPECIAL MASTER POPPITI: Okay. Does anyone
19	Suite 500, West Tower Washington, D.C. 20005	20	have a problem with reconvening at 12:00?
20	for Class FINKELSTEIN THOMPSON & LOUGHRAN	21	MR. SAMUELS: Your Honor, that would be no
21	RICHARD VOLEN, ESQ.	22	problem for me.
22	235 Pine Street, 15th Floor San Francisco, California 94164	23	SPECIAL MASTER POPPITI: Maybe what I shoul
23 24	for Class	24	do is just tell you, between now and then, the reason
	Page 3		Page 5
1	SPECIAL MASTER POPPITI: If we could begin	1	for my call so you will be able to even have
2	with a roll call, please. From the Class?	2	conversation while we are waiting.
3	MR. VOLEN: Richard Volen, Your Honor, and I	3	My question, quite simply, is focused on the
4	believe that Dan Small and Clay Athey will be joining as	4	issue of allocation of costs and fees. And my question
5	well.	5	is against the backdrop of wanting to make sure that
6	MR. SMALL: Your Honor, this is Dan Small.	6	whatever I have or whatever I will have, and I think
7	I am on, too.	7	it's really the latter than what I have presently, is an
8	SPECIAL MASTER POPPITI: Thank you.	8	appropriate record for the Court to have were there to
9	From Frys, please? Anyone from Frys on yet?	9	be any exceptions taken from whatever I do.
10	I think I heard Fred Cottrell's voice?	10	And part of that question is I am not sure,
11	MR. COTTRELL: Yes, Your Honor, Fred	11	based on what I have received, whether the term of the
12	Cottrell for AMD.	12	recommendation and — the recommendation that Class has
13	SPECIAL MASTER POPPITI: Thank you. Any	13	filed is in the nature of an application, and if it's
14	idea as to who else will be joining us? Will somebody	14	considered to be in the nature of an application, to
15	be coming on other than	15	look at costs and fees more consistent with a Rule 37.
16	MR. COTTRELL: I think, today, for AMD, it's	16	I am concerned that I don't have a record that Judge
17	just me, Your Honor, because my understanding is it's		
18	more of the Class/Frys issue.	17	Farnan could ultimately look at were there to be an
19		18	exception, and that even if Judge Farnan looked at it a
	SPECIAL MASTER POPPITI: Okay. That's good MS. GRAHAM: Hi. This is Mary. Is Mike		certain way, a record that could be taken to the
20	MAN CHAMANA MI THE LEMANU LE MILA	20	Circuit.
	· · · · · · · · · · · · · · · · · · ·		Appropriate the second of the
21	Powell on? I am not 100 percent sure that he knows this	21	That's what I am going to want to be talking
21 22	Powell on? I am not 100 percent sure that he knows this is at 11:30 and not a little later, like at 12:00. I	21 22	to you about, and what I intend to do, when everyone
21	Powell on? I am not 100 percent sure that he knows this	21	

3 (Pages 6 to 9)

```
Page 8
                                                     Page 6
                                                                        there is, in fact, a dispute that needs to be played
       everyone can measure whether you want to gear it up for
                                                                  1
  1
                                                                  2
                                                                        out, if you will.
  2
       discussion and battle or whether it doesn't make sense
       in terms of my inclination.
                                                                  3
                                                                               I don't think we are in the same position
  3
                                                                  4
                                                                        that we were in when I originally, back in an invoice
              MR. SAMUELS: I appreciate that, Your Honor,
  4
                                                                        some time ago, the fees were beyond that because now we
  5
       giving us the heads up, what the issue will be. I can
                                                                  5
                                                                   6
                                                                        are at conclusion of the application to require the
  6
       try to get ahold from someone from Frys so they also
  7
                                                                  7
                                                                        discovery be produced. I think we are in a little bit
       have the benefit of the preview before they get on the
                                                                  8
                                                                        of a different posture at this point, and I'd like to
  8
       call at noon.
                                                                  9
                                                                        hear whether the Class thinks that the record needs to
  9
              MS. GRAHAM: I am on the phone, Dan. I
                                                                        be developed further, and if the Class agrees with me,
       appreciate your offer.
                                                                 10
10
                                                                        how you would intend to do that so that I have a full
11
              MR. SMALL: Okay.
                                                                 11
              SPECIAL MASTER POPPITI: So we will redo at 12
                                                                        record with respect to this issue.
12
13
       12:00?
                                                                 13
                                                                               I might add that notwithstanding whatever I
14
              MS. GRAHAM: Yes. Thank you very much. I
                                                                 14
                                                                        do with respect to those costs and fees, and even if I
15
                                                                 15
                                                                        have to take some more time to look at that, I certainly
       appreciate the accommodation.
                                                                 16
                                                                        intend to turn to the more important aspect of the order
16
              (Recess taken.)
                                                                        before the weekend.
              SPECIAL MASTER POPPITI: I would expect that 17
17
18
       perhaps Mary Graham gave you a preview of what I wanted 8
                                                                               MR. SMALL: Your Honor, this is Dan Small
19
                                                                        for the Class plaintiffs. You anticipated exactly where
                                                                 19
20
              MR. POWELL: She tried to, Your Honor. It
                                                                 20
                                                                        I was going to start, which is to say the issue of what
21
       was - we didn't have much time to talk. I had to make
                                                                 21
                                                                        portion of Your Honor's costs should be shared by Frys,
22
       a few calls, so I would appreciate, actually, if maybe
                                                                 22
                                                                        if any, is a discrete issue that can be separated, I
23
                                                                 23
                                                                        believe, from all the other issues that are covered by
       if Your Honor could explain, you know, the nature of the
24
       inquiry and what it is we are addressing.
                                                                 24
                                                                        the proposed report and recommendation.
                                                                                                                      Page 9
                                                     Page 7
              SPECIAL MASTER POPPITI: The only thing that 1
 1
                                                                               So we would agree, absolutely, that it would
 2
       I want to address is the issue dealing with fees and
                                                                  2
                                                                        make sense to have Your Honor enter a report and
 3
                                                                  3
                                                                        recommendation that deals with all of the other issues,
       expenses that come as a result of my work.
                                                                  4
 4
              MR. POWELL: Okay.
                                                                        and then as to the specific issue of Your Honor's costs
 5
              SPECIAL MASTER POPPITI: And my question is 5
                                                                       and expenses, we could provide additional submissions on
 6
      really against the backdrop of wanting to make sure that
                                                                  6
                                                                       that.
 7
      whatever record there is, it is a record that is
                                                                  7
                                                                              I think it does make sense because it was
                                                                  8
 8
                                                                       about three months ago, I believe, that we last
      appropriate for any work that either of you ask, either
 9
                                                                  9
      side ask Judge Farnan to accomplish after I do my work
                                                                       addressed this and a lot has happened since then, and I
10
      on that particular issue.
                                                                 10
                                                                       believe it is appropriate to bring the Court up-to-date
11
                                                                 11
              MR. POWELL: Okay.
                                                                       on that so that you have the best record possible on
12
              SPECIAL MASTER POPPITI: And I said earlier
                                                                 12
                                                                       which to make a ruling.
13
                                                                 13
                                                                              SPECIAL MASTER POPPITI: And do you see you
      that I am not sure that I have that record at this
14
      juncture because what I see is certainly competing
                                                                 14
                                                                       request being in the nature of a Rule 37 request?
15
      language in your respective forms of the proposed
                                                                 15
                                                                              MR. SMALL: Your Honor, I would not actually
16
                                                                 16
                                                                       think it would be handled under Rule 37. You may
      findings of the proposed - proposed report and
17
      recommendation.
                                                                 17
                                                                       recall, when we addressed this issue before, back in
18
                                                                 18
                                                                       June, we did cite to you various case law. We cited to
              I don't know whether the language in the
19
      submittal represents, in their view, a Rule 37
                                                                 19
                                                                       Rule 53 and we cited to Rule 45. And I believe, subject
20
                                                                 20
                                                                       to any additional research that might uncover other
      application or whether it just represents where they
21
      would like to be after a meet and confer, if you will.
                                                                 21
                                                                       bases, that those would be the grounds for requiring
22
              I don't think it's appropriate for me to
                                                                 22
                                                                       Frys to share in Your Honor's costs and expenses.
                                                                 23
                                                                              SPECIAL MASTER POPPITI: Does Frys have
23
      simply pick one or the other because I do expect that
24
      there needs to be some development of the record if
                                                                 24
                                                                       anything to offer or --
```

4 (Pages 10 to 13)

```
Page 12
                                                   Page 10
              MR. POWELL: Your Honor, if I might, I mean,
                                                                 1
                                                                      days for our response to that.
  1
                                                                              SPECIAL MASTER POPPITI: Calendar days?
       I think Frys would be prepared to revisit the briefing
                                                                 2
  2
                                                                 3
                                                                              MR. SMALL: Yes, Your Honor. Maybe, because
       that we put in previously on this issue. I think the
  3
                                                                 4
                                                                      of the weekend, October 8th for our opening brief, the
       way the issue was teed up a while back, and then it got
  4
                                                                 5
                                                                      18th for Frys' opposition, and the 25th for our reply.
  5
       tabled because we continued our negotiations, the way it
                                                                 6
                                                                              SPECIAL MASTER POPPITI: Any comment from
  6
       got teed up was simply whether or not the Court could
  7
                                                                 7
                                                                      Frys, please?
       impose Special Master fees upon a non-party pursuant to
                                                                 8
                                                                             MR. POWELL: Your Honor, if you will, I am
  8
       enforcement of a subpoena. And, you know, we felt that
                                                                 9
                                                                      checking my calendar right now. I know that Robert
  9
       the law clearly supported Frys' position was that, you
                                                                10
 10
       know, in a normal circumstance, Your Honor, Frys would
                                                                      Stone, who is the partner on this case, is out of the
 11
       have been in front of a district judge in Northern
                                                                11
                                                                      country all next week, but let me just see what my
                                                                12
                                                                      calendar looks like following the 18th. Just one
 12
       District of California, and I think it would be
                                                                13
                                                                      moment.
13
       unprecedented for such a situation to involve a Special
14
       Master.
                                                                14
                                                                             SPECIAL MASTER POPPITI: Okay.
                                                                15
                                                                             MR. POWELL: I think the schedule proposed
15
              Now, this case is unique. It's an MDL
                                                                16
                                                                      is fine.
16
       proceeding, and, obviously, it has some special
17
                                                                17
                                                                             SPECIAL MASTER POPPITI: Okay. Then let's
       considerations.
 18
              We feel, though, that the Federal Rules
                                                                18
                                                                      do that. Do I need to establish a page limit? Because,
                                                                19
19
       still don't permit the judge to award Special Master
                                                                      I agree with you, it doesn't need to be a lengthy
20
       fees or impose Special Master fees on a non-party. We
                                                                20
                                                                      discussion.
21
                                                                21
       weren't provided the opportunity to object to the
                                                                             MR. SMALL: Your Honor, I think, in the
22
                                                                22
       appointment of a Special Master. And I think those
                                                                      past, something like five pages for the first two briefs
23
                                                                23
       issues were addressed previously.
                                                                      and three for the third brief would work.
                                                                             MR. POWELL: That's fine with Frys.
24
              If Your Honor feels that they weren't
                                                                24
                                                   Page 11
                                                                                                                  Page 13
  1
       addressed sufficiently, then I think Frys would go along
                                                                 1
                                                                             SPECIAL MASTER POPPITI: That's fine as well
 2
       with some further submission on that issue separately
                                                                 2
                                                                      with me. Let's operate with those dates, and I will get
  3
       from what we think the Court can recommend to Farnan at
                                                                 3
                                                                      something out with respect to the rest of the order
 4
                                                                 4
       this juncture based on the parties' stipulation.
                                                                      before the end of the day tomorrow.
 5
              SPECIAL MASTER POPPITI: Well, then, it will
                                                                 5
                                                                             MS. GRAHAM: What's the date for their
 6
       come down to whether the Class wants to be doing
                                                                 6
                                                                      reply? Ours is due the 18th and then when is theirs
 7
       anything to supplement the submittals that have already
                                                                 7
                                                                      due?
 8
       been filed, and I think I heard that there is interest
                                                                 8
                                                                             MR. SMALL: The 25th, Mary.
 9
      in doing that; is that correct?
                                                                 9
                                                                             MS. GRAHAM: Thank you.
10
              MR. SMALL: That is correct, Your Honor.
                                                               10
                                                                             MR. POWELL: Your Honor, would there be an
11
       Dan Small for the Class. I don't think it has to be
                                                               11
                                                                      opportunity for us to request a hearing once we have the
12
       anything particularly elaborate or extensive, but I
                                                               12
                                                                     briefing?
13
      think there are particular materials and arguments.
                                                               13
                                                                             SPECIAL MASTER POPPITI: If there is a need
14
      particularly based on more recent events since June that
                                                               14
                                                                      for that, please do that, yes, and I would expect that
15
      are appropriately brought to Your Honor's attention, and
                                                               15
                                                                      that would not be lengthy either.
16
      I would suggest we set up a relatively quick briefing
                                                               16
                                                                             MR. POWELL: Okay.
17
      schedule to have us, you know, first submit our
                                                               17
                                                                             SPECIAL MASTER POPPITI: Anything else,
18
      additional information and argument, have Frys respond
                                                               18
                                                                      then, please? I really appreciate your accommodating my
19
      to it, and then we do a short reply and then it should
                                                               19
                                                                     request and have a safe trip back to New York, sir.
20
      be ready for Your Honor's consideration.
                                                               20
                                                                            MR. POWELL: You are welcome. Thank you.
21
              SPECIAL MASTER POPPITI: Why don't you
                                                               21
                                                                             MR. SMALL: Thank you, Your Honor.
22
      propose some date, if you would, please.
                                                               22
                                                                             (The hearing was concluded at 12:13 p.m.)
23
              MR. SMALL: I would think ten days for our
                                                               23
24
      opening brief, ten days for Frys' reply, and then seven
                                                               24
```

5 (Page 14) Page 14 CERTIFICATE 1 STATE OF DELAWARE: 2 **NEW CASTLE COUNTY:** 3 4 I, Renee A. Meyers, a Registered Professional 5 Reporter, within and for the County and State aforesaid, 6 do hereby certify that the foregoing teleconference was taken before me, pursuant to notice, at the time and 7 place indicated; that the teleconference was correctly 8 9 recorded in machine shorthand by me and thereafter 10 transcribed under my supervision with computer-aided 11 transcription; that the foregoing teleconference is a true record; and that I am neither of counsel nor kin to 12 any party in said action, nor interested in the outcome 13 1.4 thereof. 15 WITNESS my hand this 27th day of September A.D. 16 2007. 17 18 RENEE A. MEYERS 19 REGISTERED PROFESSIONAL REPORTER 20 CERTIFICATION NO. 106-RPR (Expires January 31, 2008) 21 22 23 24

	3 0
*****	Page 1
2	2:10 14:2
	developed 8:10
	development
	7:24
	DEVICES 1:3
	different 8:8
	discovery 8:7
	discrete 8:22
	discuss 6:19 discussion 6:2
:	12:20
	dispute 8:1
	district 1:1,2
2	10:11,12
	doing 11:6,9
wai .	DRANE 2:6
	due 13:6,7
	D.C 2:19
	B
; 1	E 14:1,1
7	earlier 7:12
I	either 7:8,8
•	13:15
	elaborate 11:12
	Electronics 2:10
	2:13
	ELLIOTT 2:14 EMANUEL
3	2:11
	enforcement
	10:8
me.	enter 9:2
	ESQ 1:13,16 2:3
	2:6,9,12,15,18
	2:21
	establish 12:18
	events 11:14
	exactly 8:19 exception 5:18
	exceptions 5:9
5	expect 6:17 7:23
	13:14
	expenses 7:3 9:5
	9:22
)	Expires 14:20

				raye J
	7:8,22 9:10	briefs 12:22	concluded 13:22	2:10 14:2
A	appropriately	bring 9:10	conclusion 8:6	developed 8:10
able 5:1	11:15	brought 11:15	confer 7:21	development
absolutely 9:1	approximately	V1 V48**** 1 1 1 1 2	confident 4:8	7:24
accommodate	1:11	C	confirm 4:18	DEVICES 1:3
4:5	argument 11:18	C 14:1,1	consideration	different 8:8
accommodating	arguments	calendar 12:2,9	11:20	discovery 8:7
13:18	11:13	12:12	considerations	discrete 8:22
accommodation	ARSHT 2:8	California 1:17	10:17	discuss 6:19
6:15	asked 4:18	2:13,22 10:12	considered 5:14	discussion 6:2
accomplish 7:9		call 3:2 5:1 6:8	consistent 5:15	12:20
action 1:4 14:13	aspect 8:16	called 4:13		dispute 8:1
add 8:13	assistant 4:1	calls 6:22	continued 2:1	district 1:1,2
additional 9:5	Associates 1:23	case 9:18 10:15	10:5	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
9:20 11:18	Athey 2:15 3:4	12:10	conversation 5:2	10:11,12
address 7:2	attention 11:15	CASTLE 14:3	Corbett 1:20,23	doing 11:6,9
addressed 9:9	available 4:8	cell 4:14	CORPORATI	DRANE 2:6
9:17 10:23	Avenue 1:16		1:6	due 13:6,7
11:1	2:18	certain 5:19	correct 11:9,10	D.C 2:19
addressing 6:24	award 10:19	certainly 7:14	correctly 14:8	<u></u>
ADVANCED	aware 4:18	8:15	CORROON 2:5	Charles when a reduction and a confidence of the
1:3	A.D 14:15	CERTIFICA	costs 5:4,15 8:14	E 14:1,1
affiliated 1:23	a.m 1:11	14:20	8:21 9:4,22	earlier 7:12
aforesaid 14:5		Certified 1:9	Cottrell 2:3 3:11	either 7:8,8
afternoon 3:23		certify 14:6	3:12,16	13:15
ago 8:5 9:8	B 2:9	checking 12:9	Cottrell's 3:10	elaborate 11:12
agree 9:1 12:19	back 4:1,3,16,17	Circuit 5:20	counsel 14:12	Electronics 2:10
agrees 8:10	8:4 9:17 10:4	circumstance	country 12:11	2:13
ahold 6:6	13:19	10:10	County 14:3,5	ELLIOTT 2:14
allocation 5:4	backdrop 5:5	cite 9:18	Court 1:1,23 5:8	EMANUEL
AMD 1:17 2:4	7:6	cited 9:18,19	9:10 10:6 11:3	2:11
3:12,16	based 5:11 11:4	Civil 1:4	covered 8:23	enforcement
ANDERSON	11:14	Class 2:16,20,23	Administration of the control of the	10:8
2:5	bases 9:21	3:2 5:12 8:9,10	D	enter 9:2
	battle 6:2	8:19 11:6,11	Dan 3:4,6 6:9	ESQ 1:13,16 2:3
Angeles 1:17	beginning 1:10	Class/Frys 3:18	8:18 11:11	2:6,9,12,15,18
2:13	believe 3:4 8:23	Clay 3:4	DANIEL 2:18	2:21
anticipated 8:19	9:8,10,19	CLAYTON 2:15	date 11:22 13:5	establish 12:18
APPEARANC	benefit 6:7	clearly 10:9	dates 13:2	events 11:14
1:14 2:1	best 9:11	COHEN 2:17	day 13:4 14:15	exactly 8:19
application 5:13	beyond 8:5	come 7:3 11:6	days 11:23,24	exception 5:18
5:14 7:20 8:6	bit 8:7	coming 3:15	12:1,2	exceptions 5:9
appointment	BLANK 1:9	comment 12:6	DE 1:21 2:4,7,16	expect 6:17 7:23
10:22	brief 11:24 12:4	competing 7:14	dealing 7:2	13:14
appreciate 6:4	12:23	competing 7.14	deals 9:3	expenses 7:3 9:5
6:10,15,22	briefing 10:2	14:10	Defendant 1:7	9:22
13:18	11:16 13:12	concerned 5:16	Delaware 1:2,10	Expires 14:20
appropriate 5:8	11:10:10:12	POTENTAL TERMS OF THE	THE MERCHANT PRINCIPLE & COMPANY AND	

Page 2

raye z	£	1	•	j
explain 6:23	12:24	The state of the s	L	MICRO 1:3
extensive 11:12	full 8:11	idea 3:14	L2:3	Mike 3:20
e-mail 4:1	further 8:10	III 2:3	language 7:15	MILSTEIN
e-mailed 4:3,14	11:2	important 8:16	7:18	2:17
		impose 10:7,20	law 9:18 10:9	moment 12:13
L	G	inclination 5:24	LAYTON 2:2	months 9:8
F 14:1	gear 6:1	6:3	lengthy 12:19	morning 4:15
fact 8:1	give 5:23	inclined 5:24	13:15	MORRIS 2:8
fair 5:23	giving 6:5	indicated 14:8	let's 12:17 13:2	MYERS 1:15
Farnan 5:17,18	go 11:1	information	limit 12:18	
7:9 11:3	going 4:10 5:21	11:18	little 3:22 8:7	N
Federal 10:18	8:20	inquiry 6:24	LLP 1:10	nature 5:13,14
feel 10:18	good 3:19 4:6	Intel 1:6 2:7	look 5:15,17	6:23 9:14
feels 10:24	Graham 2:9	intend 5:22 8:11	8:15	need 4:10 12:18
fees 5:4,15 7:2	3:20 4:7,13,17	8:16	looked 3:24 5:18	12:19 13:13
8:5,14 10:7,20	6:9,14,18 13:5	interest 11:8	looks 12:12	needs 7:24 8:1,9
10:20	13:9	interested 14:13	Los 1:17 2:13	negotiations
felt 10:8	grounds 9:21	invoice 8:4	lot 9:9	10:5
Fetzer 1:23	H	involve 10:13	LOUGHRAN	neither 14:12
Figueroa 2:12	I	issue 3:18 5:4	2:21	New 2:18 13:19
filed 5:13 11:8	half 4:9	6:5 7:2,10 8:12		14:3
findings 7:16	hand 14:15	8:20,22 9:4,17	M	NICHOLS 2:8
fine 12:16,24	handled 9:16	10:3,4 11:2	machine 14:9	non-party 10:7
13:1	happened 9:9	issues 8:23 9:3	MARK 1:16	10:20
FINGER 2:2	HARDING 2:6	10:23	Market 1:10,21	noon 6:8
finished 4:2	HAUSFELD		2:6,9	normal 10:10
FINKELSTEIN	2:17	J	Mary 2:9 3:20	North 1:10,21
2:21	heads 6:5	J 1:13 2:15	6:18 13:8	2:6,9
first 11:17 12:22	hear 8:9	January 14:20	Master 1:13 3:1	Northern 10:11
five 12:22	heard 3:10 4:16	joining 3:4,14	3:8,13,19 4:4	Notary 1:9
Floor 2:6,12,22	4:17 11:8	JONES 2:14	4:12,16,19,23	notice 1:9 14:7
focused 5:3	hearing 13:11 13:22	JR 2:6	6:12,17 7:1,5	notwithstandi
following 12:12		judge 5:16,18	7:12 9:13,23	8:13
foregoing 14:6	Hi 3:20	7:9 10:11,19	10:7,14,19,20	N.W 2:18
14:11	Honor 3:3,6,11	juncture 7:14	10:22 11:5,21	0
forms 7:15	3:17 4:21 6:4	11:4	12:2,6,14,17	
Francisco 2:22	6:20,23 8:18	June 9:18 11:14	13:1,13,17	object 10:21
Fred 3:10,11	9:2,15 10:1,10	**************************************	materials 11:13	obviously 10:16
FREDERICK	10:24 11:10	K	matter 1:8	October 12:4
2:3	12:3,8,21	kin 14:12	MDL 10:15	offer 6:10 9:24
front 10:11	13:10,21 HONORABLE	King 2:15	mean 10:1	office 4:14
Frys 2:10,13 3:9	1:13	know 3:23,24	measure 6:1	offices 1:9
3:9 6:6 8:21	Honor's 8:21 9:4	4:9,13 6:23	meet 7:21	Okay 3:19 4:7
9:22,23 10:2,9		7:18 10:8,10	Meyers 1:9 14:4	4:12,19 6:11
10:10 11:1,18	9:22 11:15,20 Hopefully 4:13	11:17 12:9	14:19	7:4,11 12:14
11:24 12:5,7	hour 4:9	knows 3:21	MICHAEL 2:12	12:17 13:16
	HUUF 4.7			once 13:11
				J

				Page
1 44 A2	[1.10	Cmm II 2.10 2.4 6
opening 11:24	possible 9:11	ready 11:20	respond 4:10	Small 2:18 3:4,6 3:6 6:11 8:18
12:4	posture 8:8	really 4:10 5:7	11:18	
operate 13:2	POTTER 2:5	7:6 13:18	response 12:1	8:18 9:15
opportunity	Powell 2:12 3:21	Realtime 1:9	rest 13:3	11:10,11,23
10:21 13:11	6:20	reason 4:24	result 7:3	12:3,21 13:8
opposition 12:5	prepared 10:2	recall 9:17	revisit 10:2	13:21
order 8:16 13:3	present 1:11	received 5:11	Richard 2:21	somebody 3:14
originally 8:4	presently 5:7	Recess 6:16	3:3	sounded 4:1
outcome 14:13	pretty 4:5,8	recommend	RICHARDS 2:2	special 1:13 3:1
O'MELVENY	preview 6:7,18	11:3	right 12:9	3:8,13,19 4:4
1:15	previously 10:3	recommendati	Robert 12:9	4:12,16,19,23
gammana a magaman wa	10:23	5:12,12 7:17	Rodney 2:3	6:12,17 7:1,5
P 10.10	PRICKETT	8:24 9:3	roll 3:2	7:12 9:13,23
page 12:18	2:14	reconvenes 5:23	ROME 1:10	10:7,13,16,19
pages 12:22	problem 4:20,22	reconvening	Rule 5:15 7:19	10:20,22 11:5
part 5:10	proceeding	4:20	9:14,16,19,19	11:21 12:2,6
particular 7:10	10:16	record 5:8,16,19	Rules 10:18	12:14,17 13:1
11:13	produced 8:7	7:7,7,13,24 8:9	ruling 9:12	13:13,17
particularly	Professional	8:12 9:11		specific 9:4
11:12,14	1:21 14:4,19	14:12	S	spoke 3:23
parties 11:4	propose 11:22	recorded 14:9	S 2:12	Square 2:3
partner 12:10	proposed 7:15	redo 6:12	safe 13:19	Stars 1:16
party 14:13	7:16,16 8:24	Registered 1:21	SAMUELS 1:16	start 8:20
percent 3:21	12:15	14:4,19	4:21 6:4	State 14:2,5
permit 10:19	provide 9:5	relatively 11:16	San 2:22	STATES 1:1
phone 6:9	provided 10:21	Renee 1:9 14:4	schedule 11:17	stipulation 11:4
pick 7:23	Public 1:9	14:19	12:15	Stone 12:10
Pine 2:22	pursuant 1:8	reply 11:19,24	schedules 4:5	Street 1:10,21
place 14:8	10:7 14:7	12:5 13:6	see 7:14 9:13	2:6,9,12,15,22
plaintiffs 1:4	put 10:3	report 7:16 8:24	12:11	subject 9:19
8:19	P.L.L.C2:17	9:2	sense 6:2 9:2,7	submission 11:2
played 8:1	p.m 13:22	Reporter 1:9	separated 8:22	submissions 9:5
please 3:2,9	POWELL 7:4,11	14:5,19	separately 11:2	submit 11:17
11:22 12:7	10:1 12:8,15	Reporters 1:21	September 1:10	submittal 7:19
13:14,18	12:24 13:10,16	1:23	14:15	submittals 11:7
point 8:8	13:20	represents 7:19	set 11:16	subpoena 10:8
POPPITI 1:13		7:20	seven 11:24	sufficiently 11:1
3:1,8,13,19 4:4	Q	request 9:14,14	share 9:22	suggest 11:16
4:12,16,19,23	question 5:3,4	13:11,19	shared 8:21	Suite 2:19
6:12,17 7:1,5	5:10 7:5	require 8:6	short 11:19	supervision
7:12 9:13,23	questions 4:11	requiring 9:21	shorthand 14:9	14:10
11:5,21 12:2,6	quick 11:16	research 9:20	side 7:9	supplement 11:7
12:14,17 13:1	QUINN 2:11	respect 8:12,14	simply 5:3 7:23	supported 10:9
13:13,17	quite 5:3	13:3	10:6	sure 3:21 5:5,10
portion 8:21	**************************************	respective 4:5	sir 13:19	7:6,13
position 8:3 10:9	R	7:15	situation 10:13	F & Mary St. and
* 10 Surface Control of the State of the Sta	R 14:1	8 6 3 mm		
J	j	į	į	

Page 4

T T 14:1,1 tabled 10:5 take 8:15 take 8:15 take 1:8 5:9,19 6:16 14:7 talk 6:21 talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 tell 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 till 11:13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 thinks 8:9 third 12:23 thinks 8:9 third 12:23 Thompson 2:21 thinks 8:9 third 12:23 thinks 8:9 third 12:23 Thompson 2:21 thinks 8:9 third 12:23 t	rago z				
T 14:1,1 tabled 10:5 take 8:15 taken 1:8 5:9,19 6:16 14:7 talk 6:21 talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 telf 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 there 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 take 1:8 4:9,19 turn 8:16 true 14:12 try 6:6 TUNNELL 2:8 two 12:22 www.corbettr 1:22 www.corbettr 1:22 WTYork 2:18 13:19 9:14,16 445 9:19 14:15 75 500 2:19 53 9:19 53 9:19 571-0510 1:22 05-441-JJF 1:5 6 think 2:12 10:23 tind 2:13 13:22 tind 2:23 tind 3:16 two 12:23 tww.corbettr 1:22 Work 2:18 13:19 0 571-0510 1:22 05-441-JJF 1:5 6 think 2:12 10:23 tind 2:13 13:22 tind 2:13 tind 3:13:19 tind 3:13:19 tind 2:13 tind 2:13 tind 3:13:19 tind 3:13:19 tind 3:13:19 tind 3:13:19 tind 3:13:19 tind 3:13:19 tind 3:11:13 tind 3:13:19 tind 3:13:1		trin 13-19	2:10.16	302 1:22	****
tabled 10:5 take 8:15 take 8:15 taken 1:8 5:9,19 6:16 14:7 talk 6:21 talking 3:24 5:21 teed 10:4,6 teed 10:4,6 teleconference 1:8 14:6,8,11 tell 4:24 tern 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 turn 8:16 turn 8:10 2:1 00 0 2:19 500 2:19		, -	1		
TUNNELL 2:8 take n1:8 5:9,19 6:16 14:7 talk 6:21 talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 telf 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:1,1,3,23 12:15,21 thinks 8:9 throw for a wart of the condition of the	•	1			***************************************
taken 1:8 5:9,19 6:16 14:7 talk 6:21 talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 tell 4:24 tern 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 turn 8:16 two 12:22 ultimately 5:17 uncover 9:20 understanding 3:17 unique 10:15 UNITED 1:1 unprecedented 10:13 up-to-date 9:10 10:13 106-RPR 14:20 11:30 1:11 3:22 106-RPR 14:20 11:30 1:11 3:22 11:30 1:11 3:22 12:15,21 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 THOMPSON 2:21 Thromay 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 turn 8:16 two 12:22 www.corbettr 1:22 Y York 2:18 13:19 0 550 2:19 50 2:	1		1	1	:
two 12:22 two 12:23 two 12:22 two 12:22 two 12:23 two 12:22 two 12:23 two 12:22 two 12:24 two 12:24 two 12:25 two	1		1	2.1.1,10	-
talk 6:21 talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 tell 4:24 ten 11:23,24 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 tralking 3:24 5:21 tultimately 5:17 uncover 9:20 understanding 3:17 Vyork 2:18 13:19 0 0 05-441-JJF 1:5 6 6th 2:6 10th 2:12 100 3:21 100-RPR 14:20 11:30 1:11 3:22 4:18 100-RPR 14:20 11:30 1:11 3:22 4:18 8th 12:4 865 2:12 9 90017 2:13 90067 1:17 94104 2:22 1313 3:26 1313 2:1 1313 2:2 1313 2:2 1313 1:2 1313 2:2 1313 1:2 1313 2:2 1313 1:2 13	1 "	a contract of the contract of	1	4	
talking 3:24 5:21 teed 10:4,6 teleconference 1:8 14:68,11 tell 4:24 tern 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6	1	1970 121.22	A CONTRACTOR OF THE CONTRACTOR	45 9:19	:
5:21 teed 10:4,6 teleconference 1:8 14:6,8,11 tell 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:1,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6	1	U	1 · · · · · · · · · · · · · · · · · · ·		
Size teed 10:4,6 teed 10:4,6 teed conference 1:8 14:6,8,11 tell 4:24 ten 11:23,24 term 5:11 tunprecedented 10:13 tunpreceden	4	ultimately 5:17	Y		
teleconference 1:8 14:6,8,11 tell 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 three 9:8 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 understanding 3:17 unique 10:15 UNITED 1:1 unprecedented 10:13 10th 2:12 100 3:21 100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 124:2 11:10 0:29 13:21 12:13 13:22 12:00 3:22,24 4:20 6:13 12:13 13:22 12:01 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1316 Wantsing 4:4 5:5 7:6 Wanted 6:18 Wanting 4:4 5:5 7:6 Washington 2:19 way 5:19 10:4,5 week 12:11 understanding 0 05-441-JJF 1:5 6 6th 2:6 6th 2:6 6th 2:6 6th 2:6 6th 2:6 11 100 2:12 100 3:21 100 2:18 12:4:2 12:00 3:22,24 4:20 6:13 12:13 13:22 12:13 13:22 12:11 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1316 139007 1:17 94104 2:22	i		York 2:18 13:19	500 2:19	
1:8 14:6,8,11 tell 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 13:17 unique 10:15 UNITED 1:1 terms 6:3 Thank 3:8,13 belief s 13:6 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 three 9:8 12:23 THOMPSON 2:21 1:1,3,8 THOMPSON 2:21 thinks 8:9 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 3:17 unique 10:15 UNITED 1:1 1005:441-JJF 1:5 6 10th 2:12 100 3:21 100 3:21 100 2:18 100 2:18 1100 2:18 1100 2:18 1100 2:18 12:42 12:00 3:22,24 4:20 6:13 12:13 13:22 12:01 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 15th 2:22 1201 1:10 2:9 13:6 17:2 want 4:2 5:21 13:6 19801 2:16 19809 1:21 2:4,7 2:10 wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 100:0 5:441-JJF 1:5 6 6 the 2:6 6 6th 2:6 6th 2:6 6 6th 2:6 7 1 30:21 13:22 100 3:21 13:22 12:43 13:22 12:43 13:22 12:43 13:22 12:13 13:22 12		1		53 9:19	
1:8 4:9,8,11 tell 4:24 ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:23,112 10:22 11:13,8 11:11,13,23 12:15,21 think 8:9 fird 12:23 ThOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 terms 6:3 terms 6:4 terms 6:3 terms 6:4 terms 6:3 terms 6:3 terms 6:3 terms 6:3 terms 6:3 terms 6:3 terms 6:4 terms 1:3 t	1		0	571-0510 1:22	
ten 11:23,24 term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 V 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 Three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 Thompson Vinited 1:1 unprecedented 10:13 up-to-date 9:10 10:0 3:21 100 3:21 100-2:18 100-2:18 11:00 2:18 12:4:2 4:18 1100 2:18 12:4:2 12:00 3:22,24 4:18 12:4:2 12:00 3:22,24 4:20 6:13 12:13 13:22 12:01 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 13:6 wanted 6:18 wanting 4:4 5:5 7:6 2:10 13:6 wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 2.10 14:16	•		05-441-JJF 1:5	AMERICA SAME AND	
term 5:11 terms 6:3 Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:23,11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 term 5:11 think 3:10,16 10:13 up-to-date 9:10		1 *			-
Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 Thank 3:8,13 up-to-date 9:10 10:13 up-to-date 9:10 10:03:21 1006-RPR 14:20 11:30 1:11 3:22 4:18 1100 2:18 1100 2:18 1100 2:18 1124:2 12:00 3:22,24 4:20 4:20 6:13 12:13 13:22 12:01 1:10 2:9 1310 2:15 13:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1316 19801 2:16 19801 2:16 19809 1:21 2:4,7 2:10 1999 1:16 Washington 2 1003:21 1006-RPR 14:20 11:30 1:13 :22 9 90017 2:13 90067 1:17 94104 2:22 12:10 1:10 2:9 13:6 19801 2:16 19809 1:21 2:4,7 2:10 1999 1:16 1999 1:16 19005 2:19 20005 2:19 20007 1:10 14:16		4 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	***************************************	6th 2:6	
Thank 3:8,13 6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 up-to-date 9:10 100 3:21 1006-RPR 14:20 11:30 1:11 3:22 4:18 1100 2:18 11242 9 900077 1:17 94104 2:22 12:00 3:22,24 4:20 6:13 12:13 13:22 12:13 13:22 12:13 13:22 12:13 13:22 12:13 13:22 12:15,21 13:6 13:6 13:6 13:6 19801 2:16 19809 1:21 2:4,7 2:10 1999 1:16 199		· ·	10th 2:12		
6:14 13:9,20 13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:23,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6	i e		I have been a second or the second of the se	1	
13:21 theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 Three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 v1:5 various 9:18 view 7:19 VINCENT 1:13 voice 3:10 VINCENT 1:13 voice 3:10 VINCENT 1:13 voice 3:10 VINCENT 1:13 12:00 3:22,24 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 15th 2:22 18th 12:5,12 13:6 19801 2:16 Wants 11:6 Washington 2:10 way 5:19 10:4,5 week 12:11 4:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:18 1100 2:13 90007 1:17 94104 2:22		up to unit 7.10	106-RPR 14:20	1	
theirs 13:6 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 various 9:18 view 7:19 VINCENT 1:13 voice 3:10 VINCENT 1:13 today 3:16 4:6 various 9:18 view 7:19 VINCENT 1:13 toal 3:20 12:00 3:22,24 4:20 6:13 12:13 13:22 12:10 1:10 2:9 1310 2:15 12:00 3:22,24 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 12:13 13:22 1201 1:10 2:9 1310 2:15 12:00 3:2,24 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 12:13 13:22 12:13 13:22 12:13 13:22 12:11 1:10 2:9 1310 2:15 12:10 1:10 2:9 1310 2:15 13:6 12:10 1:10 2:9 13:6 15th 2:22 18th 12:5,12 13:6 19801 2:16 19801 2:16 19809 1:21 2:4,7 2:10 1999 1:16 Washington 2:19 way 5:19 10:4,5 week 12:11 2000 3:22,24 4:20 6:13 12:00 3:2,24 4:20 6:13 12:13 13:22 12:11 1:10 2:9 1310 2:15 12:10 1:10 2:9 1310 2:15 12:10 1:10 2:9 1310 2:15 12:00 3:2,24 4:20 6:13 12:13 13:22 12:11 1:10 2:9 1310 2:15 13:6 12:10 1:10 2:9 1310 2:15 13:6 12:10 1:10 2:9 13:6 13:6 13:6 13:6 13:6 13:6 13:6 13:6	, ·	V	11:30 1:11 3:22	865 2:12	•
thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 Volen 2:21 3:3,3 12:13 13:22 1201 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1314 2:22 13th 12:5,12 13:6 19891 1:21 2:4,7 2:10 1999 1:16 Washington 2:19 way 5:19 10:4,5 today 3:16 4:6 TON 10:20 13:8 12:4:2 12:00 3:22,24 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 13:6 19899 1:21 2:4,7 2:10 1999 1:16 Washington 2:19 way 5:19 10:4,5 week 12:11 2007 1:10 14:16		v1:5	4:18		uno constitución de la constituc
thereof 14:14 thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 view 7:19 VINCENT 1:13 voice 3:10 VINCENT 1:13 voice 3:10 VINCENT 1:13 4:20 6:13 12:13 13:22 12:01 1:10 2:9 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1314 12:22 13:6 14:7 2:10 12:00 3:22,24 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 13:6 13:6 19801 2:16 19801 2:16 19899 1:21 2:4,7 2:10 1999 1:16 Washington 2:19 way 5:19 10:4,5 week 12:11 2007 1:10 14:16	•	various 9:18	1100 2:18		
thing 7:1 think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:13 13:26 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 VINCENT 1:13 voice 3:10 4:20 6:13 12:13 13:22 1201 1:10 2:9 1310 2:15 1313 2:6 1310 2:15 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1313 2:6 1310 2:15 1313 2:6 1313 2:6 1310 2:15 1310		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	124:2	1	
think 3:10,16 4:10 5:6,23 7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 voice 3:10 Volen 2:21 3:3,3 12:13 13:22 1201 1:10 2:9 1310 2:15 1313 2:6 1313 2:15 13:6 1313 2:15 13:6 13:6 13:6 13:10 13:6 13:6 13:10 13:6 13:6 13:6 13:6 13:6 13:6 13:6 13:6	₩	1	12:00 3:22,24	TO THE SECTION OF THE	
4:10 5:6,23 7:22 8:3,7 9:7 12:13 13:22 9:16 10:2,3,12 W 1310 2:15 10:22 11:1,3,8 W 2:6 1313 2:6 11:11,13,23 waiting 5:2 15th 2:22 12:15,21 want 4:2 5:21 18th 12:5,12 thinks 8:9 6:1 7:2 13:6 third 12:23 wanted 6:18 19801 2:16 THOMPSON 2:21 7:6 19899 1:21 2:4,7 2:21 wants 11:6 1999 1:16 Washington 2:19 2 14:7 way 5:19 10:4,5 20005 2:19 today 3:16 4:6 week 12:11 2007 1:10 14:16		3	4:20 6:13	941042:22	
7:22 8:3,7 9:7 9:16 10:2,3,12 10:22 11:1,3,8 11:11,13,23 12:15,21 thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 1201 1:10 2:9 1310 2:15 1313 2:6 15th 2:22 18th 12:5,12 13:6 19801 2:16 19809 1:21 2:4,7 2:10 1999 1:16 Washington 2:19 way 5:19 10:4,5 week 12:11 20005 2:19 20007 1:10 14:16	the contract of the contract of	1	12:13 13:22		
10:22 11:1,3,8 11:11,13,23	•		1201 1:10 2:9	:	
11:11,13,23 waiting 5:2 15th 2:22 12:15,21 want 4:2 5:21 18th 12:5,12 thinks 8:9 6:1 7:2 13:6 third 12:23 wanted 6:18 19801 2:16 THOMPSON wanting 4:4 5:5 19899 1:21 2:4,7 2:21 7:6 2:10 three 9:8 12:23 wants 11:6 1999 1:16 Washington 2:19 2 today 3:16 4:6 way 5:19 10:4,5 20005 2:19 week 12:11 2007 1:10 14:16		W.	1310 2:15		
12:15,21		W 2:6	1313 2:6		
thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 6:1 7:2 wanted 6:18 19801 2:16 19899 1:21 2:4,7 2:10 1999 1:16 1999 1:16 Washington 2:19 way 5:19 10:4,5 week 12:11 20005 2:19 2007 1:10 14:16		waiting 5:2	15th 2:22		
thinks 8:9 third 12:23 THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 third 12:23		, –	18th 12:5,12		
THOMPSON 2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 wanting 4:4 5:5 7:6 wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 19899 1:21 2:4,7 2:10 1999 1:16 22 20005 2:19 2007 1:10 14:16		6:1 7:2			
2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 Wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 Validady 3:16 4:6 7:6 Wants 11:6 1999 1:16 2 20005 2:19 2007 1:10 14:16		wanted 6:18	19801 2:16		
2:21 three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 7:6 wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 7:6 2:10 1999 1:16 2 20005 2:19 2007 1:10 14:16		wanting 4:4 5:5	19899 1:21 2:4,7		
three 9:8 12:23 Thursday 1:10 time 6:21 8:5,15 14:7 today 3:16 4:6 wants 11:6 Washington 2:19 way 5:19 10:4,5 week 12:11 1999 1:16 2 20005 2:19 2007 1:10 14:16			•		
Thursday 1:10 time 6:21 8:5,15 2:19 2 2 20005 2:19 today 3:16 4:6 week 12:11 2007 1:10 14:16	and the second of the second o	wants 11:6			
time 6:21 8:5,15 2:19 2 2 20005 2:19 today 3:16 4:6 week 12:11 2007 1:10 14:16	Thursday 1:10	I	New Assessment of the second o		
today 3:16 4:6 week 12:11 2007 1:10 14:16	time 6:21 8:5,15	™	2		
today 3:16 4:6 week 12:11 2007 1:10 14:16			20005 2:19		
	today 3:16 4:6		2007 1:10 14:16		
TYCENCIE O. 1/ PARTY TOWN	TOLL 2:17	weekend 8:17	2008 14:20		
tomorrow 13:4 12:4 230 1:21	tomorrow 13:4		230 1:21		
Tower 2:19 welcome 13:20 235 2:22	Tower 2:19		235 2:22		
transcribed weren't 10:21,24 25th 12:5 13:8	transcribed		25th 12:5 13:8	900	
14:10 West 2:19 27th 14:15	14:10				
transcription Wilcox 1:20.23	transcription			PAGE AND THE PAGE	
14:11 Wilmington			ADDITION OF THE PROPERTY OF TH		
tried 6:20 1:10,21 2:4,7 30 1:10	tried 6:20		30 1:10		
A. 3. A. V gant A. Intel 4.3. 1		K 2 K V g mr K . Sm(4) 3 y 3			

EXHIBIT 8

			Page 1
1	IN THE UNITED STATES : FOR THE DISTRICT O		
2	ADVANCED MICRO DEVICES, INC.,	:	
3	a Delaware corporation, and AMD INTERNATIONAL SALES &	: :	
4	SERVICE, LTD., a Delaware corporation,	:	
5	-	: Civil Action : No. 05-441-JJF	
6	·	:	
7	vs.	: :	
	INTEL CORPORATION, a Delaware	:	
8	corporation, and INTEL KABUSHIKI KAISHA, a Japanese	:	
9	corporation,	· :	
10	Defendants.	· :	
		: MDL NO. 05-1717-JJF	
11	IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST	: :	
12	LITIGATION	: :	
13	PHIL PAUL, on behalf of himself and all other	: :	
14	similarly situated,	:	
15	Plaintiffs,	: Civil Action : No. 05-485-JJF	
		:	
16	VS.	: :	
17	INTEL CORPORATION,	: :	
18	Defendant.	:	
19	A status con before The Honorable Vincent J	ference was taken	
20	May 15, 2007, beginning at app:		
21	Gail Inghram Verbano,	CSR, RMR, CLR	
22	CORBETT & WII 230 N. Market Street - Wilmin (302) 571-09	ngton, Delaware 19801	
23			
24	Corbett & Wilcox is not a Wilcox & Fetzer, Cour		

www.corbettreporting.com

Attorneys for the Class Plaintiff: 2				
1 Attorneys for the Class Plaintiff: 3 Deptition Mey, Seq. 4 PRICRET JONES & BLIJOTT 3 Deptition Mey, Seq. 5 Richard Bolan, Esq. 6 COHEN, MILSTEIN, HAUSFELD & TOLL 7 RICHESTEIN, THOMPSON, LIP 7 ALTON SEAR LISE, FIRMELSTEIN, THOMPSON, LIP 8 Predenkt L Cottrell, III, Esq. Chad Shandler, Esq. RICHARDS LAYTON & FINEER 11 ALTON SEQ. 12 DEPTIT: Good. 13 MINGRAM, MCUTCHEN 14 ALTON SEQ. 15 RICHARD SEQ. 16 POPTER MORESON & CORROON LIP 16 RICHARD SEQ. 17 ALTON SEQ. 18 BINGRAM, MCUTCHEN 18 Call Ripey, Esq. 19 JUDGE POPPITI: Gody. 18 Chard Ripey, Esq. 19 JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect — not having seen, at least I hope I'm not to have seen — any documents in advance of the last lime that we had a telecon. And I expect — not having seen, at least I hope I'm not to have seen — any documents in advance of the class plaintiffs. This is to report on the meeting that Fry's and that would be responsive to us subpoenas. 14 And I can report on that, if your Honor would like. 15 Pry's had that would be responsive to our subpoenas. 15 Pry's had that would be responsive to our subpoenas. 16 Some discussions with opposing counsel with respect. 17 to your report? 18 MR. SMALL: Yes, JUDGE POPPITI: Godd. 19 JUDGE POPPITI: Okay. Me had this some discussions with opposing counsel with respect. 19 JUDGE POPPITI: Godd. 10 JUDGE POPPITI: Godd. 11 was a very full conversation, and a provaduction on. 12 JUDGE POPPITI: Okay. 13 deptition of Fry's, and then counsel for Fry's, with an IT person 15 AMD. 16 It was a very full conversation, and a provaduction on. 18 MR. SMALL: We about a very sequence of the call. 19 JUDGE POPPITI: Okay. 10 JUDGE POPPITI: Okay. 10 JUDGE POPPITI: Okay. 11 JUDGE POPPITI: Okay. 12 JUDGE POPPITI: Okay. 13 JUDGE POPPITI: Okay. 14 JUDGE POPPITI: Okay. 15 JUDGE POPPITI: Okay.		Page 2		Page 4
2 Coupton Atther, Esc. 3 PRICERT JONES & BLILOTT 3 PRICERT SELLOTT 4 COUPT, MILESTEN, HUSSFED & TOLL 5 RICHARD SLIP, MILESTED, THOMPSON, LIP 6 Attomeys for AMD: 7 Attomeys for AMD: 8 Charles Stand, Esc. 9 CROMENS TOLL BLINGS 10 Linds Smith, Esc. 10 Linds Smith, Esc. 11 Attomeys for AMD: 11 Attomeys for AMD: 12 Linds Smith, Esc. 13 Attomeys for AMD: 14 Attomeys for Esc. 15 ROMENS Stand, Esc. 16 Linds Smith, Esc. 17 ROMENS MICHOLS, ARSHT & TUNNELL 18 Attomeys for Intel: 18 Attomeys for Intel: 19 CROMENS MICHOLS, ARSHT & TUNNELL 10 CROMENS MICHOLS, ARSHT & TUNNELL 10 CROMENS MICHOLS, ARSHT & TUNNELL 11 CROMENS MICHOLS, ARSHT & TUNNELL 12 CROMENS MICHOLS, ARSHT & TUNNELL 14 CROMENS MICHOLS, ARSHT & TUNNELL 15 CROMENS MICHOLS, ARSHT & TUNNELL 16 CROMENS MICHOLS, ARSHT & TUNNELL 17 TO THE MICHOLS, ARSHT & TUNNELL 18 CROMENS MICHOLS, ARSHT & TUNNELL 19 CROMENS MICHOLS, ARSHT & TUNNELL 19 CROMENS MICHOLS, ARSHT & TUNNELL 10 CROMENS MICHOLS, ARSHT & TUNNELL 11 THE ARSH MICHOLS, ARSHT & TUNNELL 12 THE ARSH MICHOLS, ARSHT & TUNNELL 15 THE ARSH MICHOLS, ARSHT & TUNNELL 16 THE ARSH MICHOLS, ARSHT & TUN	1	-	1	MR. SMALL: We met, as the Court
Jobel Small, East, Cohen, MILSTEIN, HAUSFELD & TOLL (Although Small, East, PinkEd Stein, Thompson, Lip Federick L. Cottrell, III, Esq. Chad Shandler, Esq. Richards L. Horwitz, Esq. Robert Stone, Esq. Rob	2			•
Daniel Small, Esq. Check, MILSTEIN, HAUSFEID & TOLL Richard Belan, Esq. Altorneys for AMD: Altorneys for AMD: Prederick L Cottrell, III, Esq. Rord Sandler, Esq. OMBLYSY & MYERS ALTORNES LAYTON & FINGER ALTORNES SICHOLS, ARSHT & TUNNEL. ALTORNES SICHOLS, ARSHT & TUNNE	٦	PRICKETT JONES & ELLIOTT	1	
Attorneys for AMD: Attorneys for AMD: Attorneys for AMD: Attorneys for AMD: Friederick L. Cottrell, III, Esq. Chad Shandley, Esq. ROMENSH VA PYERS Linds Smith, Exq. OWNENSH VA PYERS Attorneys for Fry's Electronics: May B. Gribham, Esq. ROMENS, NICHOLS, ARSHT & TUNNELL MR. SMALL: We also towe well eresponsive to understanding and the data that they are deptoned where we're at. May B. Gribham, Esq. ROMENS, NICHOLS, ARSHT & TUNNELL MR. SMALL: We actually spoke and AMD on the east time that we had a telecon. And I expect — not having sep. at least time that we had a telecon. And I expect — not having se	١	Daniel Small, Esq.	1 .	
FINKELSTEIN, THOMPSON, LIP Attorneys for AMD: Rederick L Cottrell, III, Esq. Chad Shandler, Esq. O'MELYBIN & MYERS AUTON & FINGER AUTON &			1 -	
Automeys for AMD: Prederick L Cutrell, III, Esq. Chad Shandler, Esq. Didde POPPITI: Good. Robert Stene, Esq. Robert Stene, Es	5		1	
Attomeys for AMD: 7 Frederick L. Cottrell, III, Esq. Chad Shandler, Esq. RICHARDS LATTON R FINGER 10 Land Smith, Esq. OMELVEN' A MYRES 11 Attomeys for Pry's Electronics: 12 Many B. Graham, Esq. Morris, Robert Stone, Esq. Morris, Robert Stone, Esq. Morris, Morris, Richolds, Arshi's Tunnell. 14 Attomeys for Intel: 15 Richard Ripley, Esq. Richard Linowitz, Esq. Robert Stone, Esq. Morris, Morris, McLI's We also took the opportunity to discuss a possible resolution of the underlying dispute with Fry's, and we made very substantial headway in that regard as well. 16 Sinchard, McLI's We're not there yet. 17 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a telecon. And I expect — not having seen, at least I 5 hope I'm not to have seen — any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: We're not there yet. 18 MR. SMALL: Yes, your Honor. This is Dan Small for the dass plaintiffs. This is to report on the meeting that Fry's and dass counsel on which AMD had yesterday to — for class plaintiffs and AMD to get a better understanding of what data 15 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: Good. 16 Some discussions with opposing counsel with respect 16 Try's position, please. 17 JUDGE POPPITI: Good. 18 Altomeys for here least was a muderstanding 19 JUDGE POPPITI: Okay. We had this 20 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a telecon. And I expect — not having seen, at least I 5 hope I'm not to have seen — any documents in advance of the call, that the call is meant to be primarily 7 status. Is that accurate? 18 MR. SMALL: Yes, your Honor. This 19 is Dan Small for the dass plaintiffs. This is to 10 report on the meeting that Fry's and dass counsel on 11 which AMD had yesterday to — for class plaintiffs 21 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our sub	6	PINKELSTEIN, MONFSON, ELF	1	· · · · · · · · · · · · · · · · · · ·
Frederick L Cottrell, III, Esq. RICHARDS LAYTON & FINGER 10 OMELYEMY & MYERS OMELYEMY & MYERS 11 Altomeys for Pry's Ecetomics. 12 May S. Schlim, Esq. OMELYEMY & MYERS 13 MAD S. Schlim, Esq. OMELYEMY & MYERS 14 Altomeys for Intel: 15 MORRIS, MICHOLS, ARSHIT & TUNNELL 16 Altomeys for Intel: 16 POPTER AMDERSON & CORROON ILP 17 RICHARD & LIOWINZ, ESq. BINGHAM, MCCUTCHEN & BINGHAM, BINGHAM, BINGHAM, BINGHAM, BINGHAM, BINGHAM, BINGHAM, BINGHAM, BINGHA		Attorneys for AMD:		
Chad Shandler, Esq. RICHARDS LATTON & FINGER ILINAS SMITH, Esq. O'MELYENY & MYERS O	7	Fradorick L Cottroll III Sca		
RICHARDS LATTON & FINGER 10 10 11 Attorneys for Pry's Electronics: 111 Attorneys for Pry's Electronics: 112 12 Mary B. Grahamp, ESI, 13 Robert Stone, ESI, 14 Attorneys for Inbil. 14 Attorneys for Inbil. 15 Richard L. Horwitz, ESI, 16 POTTER ANDERSON & CORROON ILP 16 Richard Ripley, ESI, 17 BINGHM, McCUTCHEN 18 ALSOPRESSIN: 19 Christopher Merrick 20 21 Christopher Merrick 21 JUDGE POPPTTI: Okay. We had this 22 call scheduled from the last time that we had a 23 telecon. And I expect — not having seen, at least I 24 to lone. 25 AMR. SMALL: We abso took the 26 of the call, that the call is meant to be primarily 27 status. Is that accurate? 28 MR. SMALL: Yes, your Honor. This 29 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 10 which AMD had yesterday to — for class plaintiffs 11 Attorneys for Pry's Electronics: 12 AND To get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: Good. 16 MR. SMALL: We abso took the 17 were ballot to dispute with Fry's, and we made very 18 substantial headway in that regard as well. 19 JUDGE POPPITI: Okay. Good. 10 MR. SMALL: We're not there yet. 11 There still is a substantive dispute and maybe some more minor issues that we have to work through as well, but I do have some reason to be optimistic. 21 But we believe that the more 22 more minor issues that we have to work through as well, but I do have some reason to be optimistic. 23 But we believe that the more 24 telecon. And I expect — not having seen, at least I in the call is meant to be primarily 25 status. Is that accurate? 26 MR. SMALL: Yes, your Honor. This 27 is Dan Small for the class plaintiffs. This is to report back to you on Friday with hopefully either final resolution, if we're able to work out the we're at. 27 in the propertity of the class plaintiffs in the propertity of the class plaintiffs in the class plaintiffs in the propertity of the class	8	, ,		
Linda Smith, ESQ. Morelys For Prys Electronics: Morelys for Prys Judge PoppTIT: Good. Morelys for Intel: M			10	
were much Turther along the learning curve than w were grown for Frys Electronics: 12	9	Linda Cmith. Eco	11	transactional and other data that Fry's keeps, and so
11 Attomeys for Fry's Electronics: 12 Namy B. Graham, Esq. Robert Store, Esq. 13 Attomeys for Intel: 14 Attomeys for Intel: 15 Richard L. Horwitz, Esq. 16 Richard L. Horwitz, Esq. 17 BINGHAM, HCCUTCHEN 18 ALSO PRESENT: 19 Christopher Merrick 21 JUDGE POPPITI: Okay. Good. 22 MR. SMALL: We're not there yet. 23 There still is a substantive dispute and maybe some more minor issues that we have to work through as well, but I do have some reason to be optimistic. 24 But we believe that the more Page 3 1 JUDGE POPPITI: Okay. We had this at leach And I can report on the meeting that Fry's and class counsel on which AMD had yesterday to — for class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD bad yesterday to — for class plaintiffs. 25 JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to to your report? 26 MR. SMALL: Yes. 27 JUDGE POPPITI: Okay. May I hear Fry's position, please. 28 MR. SMALL: Yes. 29 JUDGE POPPITI: Good. 20 MR. SMALL: Yes. 30 JUDGE POPPITI: Okay. We had this call is meant to be primarily status. Is that accurate? 31 Stan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on the meeting that Fry's and class counsel on MR. SMALL: Yes. 31 JUDGE POPPITI: Good. 32 MR. SMALL: Yes. 33 Call scheduled from the last time that we had a telecon. And I expect on the having seen, at least I hope I'm not to have seen — any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? 4 Substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report on the meeting that Fry's and class counsel on	10		12	we're much further along the learning curve than we
Robert Stone, Esq. Rohard L Horwitz, Esq. Rohard L Horwitz, Esq. Rohard R SMALL: We also took the 15 MR. SMALL: We also took the 16 opportunity to discuss a possible resolution of the underlying dispute with Fry's, and we made very substantial headway in that regard as well. 18 ALSO PRESENT: 19 JUDGE POPPITI: Okay. Good. 18 SINGHAM, MCUTCHEN 20 MR. SMALL: We're not there yet. 21 There still is a substantive dispute and maybe some more minor issues that we have to work through as well, but I do have some reason to be optimistic. 24 But we believe that the more Page 3 1			13	were before the call.
Attomers for Intel: MORRIS, NICHOLS, ARSHIT & TUNNELL MORRIS, NICHOLS, ARSHIT & TUNN	12			
14 Attorneys for Intel: 15 Richard L Howltz, Esq. POTTER ANDERSON & CORROON ILP 16 Richard Ripley, Esq. 17 BINGHAM, MCUTCHN 18 ALSO PRESENT: 19 Christopher Merrick 21 There still is a substantial headway in that regard as well. 22 23 24 Electron Christopher Merrick 23 Call scheduled from the last time that we had a telecon. And I expect — not having seen, at least I hope I'm not to have seen — any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? 10 report on the meeting that Fry's and class counsel on which AMD had yesterday to — for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. 15 JUDGE POPPITI: Good. 16 MR. SMALL: Yes. 17 JUDGE POPPITI: Good. 18 Altoneys for Intel: 18 underlying dispute with Fry's, and we made very substantial headway in that regard as well. 19 JUDGE POPPITI: Okay. Good. 19 MR. SMALL: We're not there yet. 11 There still is a substantive dispute and maybe some more minor issues that we have to work through as substantial headway in that regard as well. 19 JUDGE POPPITI: Okay. Good. 10 MR. SMALL: We're not there yet. 11 There still is a substantive dispute and maybe some more minor issues that we have to work through as substantial headway in that regard as well. 19 JUDGE POPPITI: Okay. Good. 10 MR. SMALL: We're not there yet. 11 There still is a substantive dispute and maybe some more minor issues that we have to work through a substantial headway in that regard as well. 19 JUDGE POPPITI: Okay. Good. 10 MR. SMALL: We're not there yet. 11 There still is a substantive dispute and maybe some reason to be optimistic. 21 There still is a substantive dispute and maybe some more minor esues that we have to work through the substantial headway in that regard as well. 22 Important one, I think, from both sides. And we would like the opportunity, your Honor, with your honor, with your deprints, your Honor, I think in trems do I f	13			
Page 3 Indicated L. Horwitz, Esq. Binchard Ripley, Fsq. Binchard Ripley, Fsq. Binchard Ripley, Fsq. Christopher Merrick Asso PRESSIN: Christopher Merrick Page 3 I				
18 Substantial headway in that regard as well. 19 JUDGE POPPTIT: Okay. Good. 20 MR. SMALL: We're not there yet. 21 There still is a substantive dispute and maybe some more minor issues that we have to work through as well, but I do have some reason to be optimistic. 22 But we believe that the more Page 3 1 JUDGE POPPTIT: Okay. We had this call scheduled from the last time that we had a telecon. And I expect — not having seen, at least I hope I'm not to have seen — any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? 3 But we believe that the more Page 3 1 Substantive issues that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and swork through this and, if your calendar would permit, for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to — for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPTIT: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPTIT: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPTIT: Great. Then I'd MR. SMALL: Your Honor, I think it		Richard L. Horwitz, Esq.		•••
Richard Ripley, Ess. BINGHAM, MCUTCHEN RINGHAM, CARLI: We're not there yet. There still is a substantive dispute and maybe some reason to be optimistic. Rull, but I do have some reason to be optimistic. But we believe that the more Page 3 1	16	POTTER ANDERSON & CORROON LLP		
IT BINGHAM, MCUTCHEN IS ALSO PRESENT: Christopher Merrick 20	1 10	Richard Ripley, Esq.	1	· · · · · · · · · · · · · · · · · · ·
18 ALSO PRESENT: 19 Christopher Merrick 20 There still is a substantive dispute and maybe some more minor issues that we have to work through as 23 well, but I do have some reason to be optimistic. 21 But we believe that the more Page 3 1	17	BINGHAM, McCUTCHEN		
22 more minor issues that we have to work through as well, but I do have some reason to be optimistic. 23 well, but I do have some reason to be optimistic. 24 But we believe that the more Page 3 1		ALSO PRESENT:		•
22 more minor issues that we have to work through as well, but I do have some reason to be optimistic. 23 well, but I do have some reason to be optimistic. 24 But we believe that the more Page 3 1		Christopher Merrick	21	There still is a substantive dispute and maybe some
23 well, but I do have some reason to be optimistic. 24 But we believe that the more Page 3 1			22	more minor issues that we have to work through as
Page 3 1 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a 4 telecon. And I expect — not having seen, at least I 5 hope I'm not to have seen — any documents in advance 6 of the call, that the call is meant to be primarily 5 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to — for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 15 some discussions with opposing counsel with respect 16 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Then I'd 19 JUDGE POPPITI: Great.	22		23	_
1			1	·
1 JUDGE POPPITI: Okay. We had this 2 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a 4 telecon. And I expect not having seen, at least I 5 hope I'm not to have seen any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 1 substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, it hink, if would like the opportunity, your Honor, with your would like the opportunity, your Honor, with your report to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through thac to take a couple more days to try and work through this and, if your calendar would permit, t	24] - '	but we believe that the more
1 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a 4 telecon. And I expect — not having seen, at least I 5 hope I'm not to have seen — any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to — for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 1 substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, it hink, from both sides. And we would like the opportunity, your Honor, with your permits, one taleast in take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to take a couple more days to try and work through this and, if your calendar would permit, to treport back to you on Friday with hopefully either final resolution, if we're able to work out the dispute or at least with a clear statement of where we're at. 10 So that would be our proposal, yo				
2 JUDGE POPPITI: Okay. We had this 3 call scheduled from the last time that we had a 4 telecon. And I expect not having seen, at least I 5 hope I'm not to have seen any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Well, then 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 2 important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. 10 So that would be our proposal, your Honor. 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. 18 JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you report to me in some other fashion? 22 MR. SMALL: Your Honor, I think it		Page 3		Page 5
3 call scheduled from the last time that we had a 4 telecon. And I expect not having seen, at least I 5 hope I'm not to have seen any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Well, then 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 3 would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the proposal that counsel for the class has just made. 15 We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. 18 JUDGE POPPITI: Great. Well, then 19 Let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you report to me in some other fashion? 20 MR. SMALL: Your Honor, I think it	1	Page 3	1	Page 5
4 telecon. And I expect not having seen, at least I 5 hope I'm not to have seen any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 final resolution, if we're able to work out the 8 dispute, or at least with a clear statement of where 9 we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some 18 resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	1	- '		substantive issue that still separates us is a very
5 hope I'm not to have seen any documents in advance 6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 5 work through this and, if your calendar would permit, to report back to you on Friday with hopefully either 7 final resolution, if we're able to work out the 8 dispute, or at least with a clear statement of where 9 we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 18 JUDGE POPPITI: Great. Well, then 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2	JUDGE POPPITI: Okay. We had this	2	substantive issue that still separates us is a very important one, I think, from both sides. And we
6 of the call, that the call is meant to be primarily 7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 final resolution, if we're able to work out the 18 dispute, or at least with a clear statement of where 19 we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 JUDGE POPPITI: Great. Then I'd 24 MR. SMALL: Your Honor, I think it	2 3	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a	2	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your
7 status. Is that accurate? 8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Well, then 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 25 final resolution, if we're able to work out the 26 dispute, or at least with a clear statement of where 27 we're at. 28 dispute, or at least with a clear statement of where 29 we're at. 20 JUDGE POPPITI: Okay. May I hear 21 JUDGE POPPITI: Okay. May I hear 22 JUDGE POPPITI: Okay. May I hear 23 JUDGE POPPITI: Okay. May I hear 24 We too believe that the discussions were fruitful, 25 and we also remain optimistic that we can reach some resolution. 26 It is do this. I think in terms of Friday, are we 27 looking to convene a teleconference, or will you report to me in some other fashion? 28 MR. SMALL: Your Honor, I think it	2 3 4	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I	2 3 4	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and
8 MR. SMALL: Yes, your Honor. This 9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to — for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 18 JUDGE POPPITI: Great. Well, then 19 JUDGE POPPITI: Great. Well, then 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 18 JUDGE POPPITI: Great. Well, then 19 MR. SMALL: Your Honor, I think it	2 3 4 5	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance	2 3 4 5	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit,
9 is Dan Small for the class plaintiffs. This is to 10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Well, then 20 earlier today, and I think we have an understanding 21 as to how we will report to the Court. 22 JUDGE POPPITI: Great. Then I'd 9 we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you report to me in some other fashion? 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 9 we're at. 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you report to me in some other fashion? 22 MR. SMALL: Your Honor, I think it	2 3 4 5 6	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily	2 3 4 5 6	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either
10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to — for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 19 JUDGE POPPITI: Great. Well, then 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some 18 resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate?	2 3 4 5 6	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either
10 report on the meeting that Fry's and class counsel on 11 which AMD had yesterday to — for class plaintiffs 12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 10 So that would be our proposal, your 11 Honor. 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some 18 resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate?	2 3 4 5 6 7	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the
which AMD had yesterday to — for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke arrier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPITI: Great. Then I'd Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then looking to convene a teleconference, or will you report to me in some other fashion? MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This	2 3 4 5 6 7 8	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where
12 and AMD to get a better understanding of what data 13 Fry's had that would be responsive to our subpoenas. 14 And I can report on that, if your Honor would like. 15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 12 JUDGE POPPITI: Okay. May I hear 13 Fry's position, please. 14 MR. STONE: We agree with the 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you report to me in some other fashion? 22 as to how we will report to the Court. 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to	2 3 4 5 6 7 8 9	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at.
Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPITI: Great. Then I'd Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you report to me in some other fashion? MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on	2 3 4 5 6 7 8 9	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your
And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke arlier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPITI: Great. Then I'd MR. STONE: We agree with the broposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then looking to convene a teleconference, or will you report to me in some other fashion? MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs	2 3 4 5 6 7 8 9 10	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor.
15 JUDGE POPPITI: And have you had 16 some discussions with opposing counsel with respect 17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 15 proposal that counsel for the class has just made. 16 We too believe that the discussions were fruitful, 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you report to me in some other fashion? 22 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data	2 3 4 5 6 7 8 9 10 11 12	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear
some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPITI: Great. Well, then looking to convene a teleconference, or will you report to me in some other fashion? MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas.	2 3 4 5 6 7 8 9 10 11 12 13	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please.
17 to your report? 18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 17 and we also remain optimistic that we can reach some resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like.	2 3 4 5 6 7 8 9 10 11 12 13 14	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the
18 MR. SMALL: Yes. 19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 18 resolution. 19 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had	2 3 4 5 6 7 8 9 10 11 12 13 14 15	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made.
19 JUDGE POPPITI: Good. 20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Well, then 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful,
20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made.
20 MR. SMALL: We actually spoke 21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 20 let's do this. I think in terms of Friday, are we 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some
21 earlier today, and I think we have an understanding 22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 21 looking to convene a teleconference, or will you 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution.
22 as to how we will report to the Court. 23 JUDGE POPPITI: Great. Then I'd 22 report to me in some other fashion? 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then
23 JUDGE POPPITI: Great. Then I'd 23 MR. SMALL: Your Honor, I think it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you
24 like to fleat trial very flucti. Thank you. 24 Would be a good idea to reserve time for the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding as to how we will report to the Court.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you report to me in some other fashion?
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	JUDGE POPPITI: Okay. We had this call scheduled from the last time that we had a telecon. And I expect not having seen, at least I hope I'm not to have seen any documents in advance of the call, that the call is meant to be primarily status. Is that accurate? MR. SMALL: Yes, your Honor. This is Dan Small for the class plaintiffs. This is to report on the meeting that Fry's and class counsel on which AMD had yesterday to for class plaintiffs and AMD to get a better understanding of what data Fry's had that would be responsive to our subpoenas. And I can report on that, if your Honor would like. JUDGE POPPITI: And have you had some discussions with opposing counsel with respect to your report? MR. SMALL: Yes. JUDGE POPPITI: Good. MR. SMALL: We actually spoke earlier today, and I think we have an understanding as to how we will report to the Court. JUDGE POPPITI: Great. Then I'd	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	substantive issue that still separates us is a very important one, I think, from both sides. And we would like the opportunity, your Honor, with your permission, to take a couple more days to try and work through this and, if your calendar would permit, to report back to you on Friday with hopefully either final resolution, if we're able to work out the dispute, or at least with a clear statement of where we're at. So that would be our proposal, your Honor. JUDGE POPPITI: Okay. May I hear Fry's position, please. MR. STONE: We agree with the proposal that counsel for the class has just made. We too believe that the discussions were fruitful, and we also remain optimistic that we can reach some resolution. JUDGE POPPITI: Great. Well, then let's do this. I think in terms of Friday, are we looking to convene a teleconference, or will you report to me in some other fashion? MR. SMALL: Your Honor, I think it

2 (Pages 2 to 5)

	Page 6		Page 8
1	telephone conference. If it turns out that we work	1	I didn't mean to interrupt Mary, or were we done on
2	out a deal with Fry's, then probably we could just	2	that issue?
3	report that in some other method that would be more	3	MS. GRAHAM: I think so.
4	efficient for your Honor. But if we have the time	4	MR. COTTRELL: Your Honor, this
5	set up, then if we haven't worked things out, at	5	issue is, I saw some correspondence about the
6	least we have that available.	6	transcripts being lodged, and at least one was
7	MR. STONE: And that's acceptable	7	partially redacted, and that's fine.
8	to Fry's.	8	It's an issue that Mr. Shandler
9	JUDGE POPPITI: Okay. If you will	9	agrees with Mr. Horwitz about making sure that the
10	all give me just a moment, I neglected to bring my	10	parties, within five days after a confidential
11	calendar into the conference room, so just give me a	11	filing, make a public redaction and file it with the
12	moment. I think I can get it quickly.	12	Court.
13	MR. STONE: Sure.	13	And I think we had pointed out
14	JUDGE POPPITI: Thank you. I'm	14	that, Rich, the remediation plan of Intel that it
15	going to put you on hold.	15	was at least in part filed under seal and no public
16	(Brief recess.)	16	version has been filed.
17	JUDGE POPPITI: Counsel, thank you	17	It's nothing pressing for today,
18	for your patience.	18	but I just thought we could, going forward, have
19	On Friday, any time other than	19	everyone comply with that five-day rule.
20	between 11:00 and about 1:30. So we can do it either	20	JUDGE POPPITI: You know, I think
21	before or, accommodating our friends on the West	21	it makes sense. And perhaps it would make sense even
22	Coast, we can do it later.	22	to memorialize that, if you all agree that that's
23	MR. SMALL: Your Honor, would it be	23	wise to do that by stipulation.
24	possible to do it about 4:30?	24	MR. HORWITZ: Your Honor, this is
ļ			
	Daga 7		
1 .	Page 7	١.	Page 9
1	JUDGE POPPITI: 4:30, yep.	1	Rich Horwitz, if I could just respond.
2	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good	2	Rich Horwitz, if I could just respond. We are looking into the request
2 3	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor.	2	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think
2 3 4	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that	2 3 4	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public
2 3 4 5	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great	2 3 4 5	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits
2 3 4 5 6	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30	2 3 4 5 6	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call
2 3 4 5 6 7	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone.	2 3 4 5 6 7	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is
2 3 4 5 6 7 8	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that	2 3 4 5 6 7 8	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done
2 3 4 5 6 7 8 9	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or	2 3 4 5 6 7 8 9	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right.
2 3 4 5 6 7 8 9	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that?	2 3 4 5 6 7 8 9	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court.
2 3 4 5 6 7 8 9 10	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct,	2 3 4 5 6 7 8 9 10	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of
2 3 4 5 6 7 8 9 10 11 12	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor.	2 3 4 5 6 7 8 9 10 11 12	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual
2 3 4 5 6 7 8 9 10 11 12	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees.	2 3 4 5 6 7 8 9 10 11 12 13	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And
2 3 4 5 6 7 8 9 10 11 12 13 14	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve	2 3 4 5 6 7 8 9 10 11 12 13 14	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it. MR. COTTRELL: Your Honor, it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess my concern was if there was an expectation that we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it. MR. COTTRELL: Your Honor, it's Fred Cottrell. If we are finished on this issue, I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess my concern was if there was an expectation that we were going to be doing something more significant
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it. MR. COTTRELL: Your Honor, it's Fred Cottrell. If we are finished on this issue, I have one very minor issue, if I could bring it up.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess my concern was if there was an expectation that we were going to be doing something more significant than the rule contemplates.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it. MR. COTTRELL: Your Honor, it's Fred Cottrell. If we are finished on this issue, I have one very minor issue, if I could bring it up. JUDGE POPPITI: Please.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess my concern was if there was an expectation that we were going to be doing something more significant than the rule contemplates. MR. COTTRELL: Your Honor, my point
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	JUDGE POPPITI: 4:30, yep. MR. STONE: That would be a good time for me, your Honor. JUDGE POPPITI: Does that everyone else is more or less observing with a great deal of interest, so I would expect or hope that 4:30 works for everyone. And I wouldn't anticipate that we're looking at more than what? a half hour or 45 minutes, if that? MR. SMALL: I think that's correct, your Honor. MR. STONE: Fry's agrees. JUDGE POPPITI: Then let's reserve 4:30 on Friday. I sincerely appreciate the work that was accomplished yesterday and hope that you can move forward and obviate virtually everything by Friday. If not, we'll attend to it. MR. COTTRELL: Your Honor, it's Fred Cottrell. If we are finished on this issue, I have one very minor issue, if I could bring it up.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Rich Horwitz, if I could just respond. We are looking into the request from AMD. But I would say that technically I think we are in compliance, because there is a public version of the report that's available. The exhibits are redacted, and I think everybody on this call knows that that's traditionally the way that it is done JUDGE POPPITI: Right. MR. HORWITZ: in this court. We are looking at the issue of further redactions of the exhibits, which is unusual and not the typical way it's done in this court. And we will get back to AMD when we can on that issue. I think the rules are what the rules are, and I don't think we need to reiterate them in a stipulation. But if your Honor feels differently JUDGE POPPITI: Well, no, I guess my concern was if there was an expectation that we were going to be doing something more significant than the rule contemplates.

3 (Pages 6 to 9)

	Tied		
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 10 completely redacted and we just had assumed that public versions of those exhibits would be filed, and that was the point. It wasn't that there wasn't something on file: There is. But it was this sort of wholesale redaction of the entirety of certain of the exhibits, and we just assumed within five days we would see a public version of those. MR. HORWITZ: And my only point, to reiterate, your Honor, is that is typical. That is not atypical at all, and we are looking into doing more than what is typical in this Court. JUDGE POPPITI: Okay. Then let's leave full discussion for another day. Should we agenda it for a regular Thursday status? MR. COTTRELL: That would be fine with AMD, your Honor. JUDGE POPPITI: Why don't we put it on for the next — I expect that would be — is it next week? MR. HORWITZ: I don't know that anything else has been discussed as being on. But I think it's this week, not next week. JUDGE POPPITI: It is this week?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 12 CERTIFICATE OF SHORTHAND REPORTER I, Gail Inghram Verbano, CSR, RMR, the officer before whom the foregoing proceedings were taken do hereby certify that the foregoing transcript is a rue and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under the supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome. Cail Inghram Verbano, CSR, RMR CSR, No. 863 Certification No. 220 (Expires 1-31-2908)
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 11 MR. COTTRELL: I believe that's right, your Honor. JUDGE POPPITI: Well, if you don't have anything else on and this week is too soon, then I'm happy to let it be agenda'd for the next time we are scheduled for status. MR. HORWITZ: We will talk JUDGE POPPITI: And then let me know. MR. HORWITZ: and let you know by sometime tomorrow JUDGE POPPITI: That's fine. MR. HORWITZ: about an overall schedule for Thursday. JUDGE POPPITI: All right. That's fine. Any other matters then, please? All right. Thank you all very much.	27	

4 (Pages 10 to 12)

Page 1

		·		T uge
A	CLR 1:21	2:15,16	11:2	Mary 2:12 8:1
	Coast 6:22	everybody 9:6	Honorable 1:19	matters 11:17
able 5:7	COHEN 2:4	exhibits 9:5,12,24 10:2	hope 3:5 7:6,17	McCUTCHEN 2:17
acceptable 6:7	completely 10:1	10:6	hopefully 5:6	MDL 1:10
accommodating 6:21		expect 3:4 7:6 10:19	Horwitz 2:15 8:9,24	mean 8:1
accomplished 7:17	compliance 9:4			meant 3:6
accurate 3:7	comply 8:19	expectation 9:20	9:1,10 10:9,21 11:7	
Action 1:5,14	concern 9:20	Expires 12:18	11:10,13	meeting 3:10
advance 3:5	conference 1:19 6:1,11		hour 7:9	memorialize 8:22
ADVANCED 1:2	confidential 8:10	F		Merrick 2:19
affiliated 1:23	contemplates 9:22	fashion 5:22	<u> </u>	met 4:1
agenda 10:15	convene 5:21	feels 9:17	idea 5:24	method 6:3
agenda'd 11:5	conversation 4:6,7	Fetzer 1:24	III 2:7	MICRO 1:2
	Corbett 1:21,23	file 8:11 10:4	important 5:2	MICROPROCESSOR
agree 5:14 8:22	corporation 1:3,4,7,8,9	filed 8:15,16 10:2	Inghram 1:21 12:3,16	1:11
agrees 7:13 8:9	1:11,17	filing 8:11	Intel 1:7,8,11,17 2:14	MILSTEIN 2:4
AMD 1:3 2:6 3:11,12	correct 7:11 12:6	final 5:7	8:14	minor 4:22 7:22
4:5 9:3,14 10:17				
ANDERSON 2:15	correspondence 8:5	financial 12:12	interest 7:6 12:11	minutes 7:10
anticipate 7:8	CORROON 2:15	fine 8:7 10:16 11:12,16	INTERNATIONAL	moment 6:10,12
ANTITRUST 1:11	Cottrell 2:7 7:20,21,24	FINGER 2:8	1:3	MORRIS 2:13
anyway 9:24	8:4 9:23 10:16 11:1	finished 7:21	interrupt 8:1	move 7:18
appreciate 7:16	counsel 3:10,16 4:3,4	FINKELSTEIN 2:5	issue 5:1 7:21,22 8:2,5	MYERS 2:10
approximately 1:20	5:15 6:17 12:10	five 8:10 10:7	8:8 9:11,14	
ARSHT 2:13	couple 5:4	five-day 8:19	issues 4:22	N
	court 1:1,24 3:22 4:1	foregoing 12:4,5		N 1:22
assumed 10:1,7	8:12 9:10,13 10:12	forward 7:18 8:18	J	need 9:16
Assuming 7:24	CSR 1:21 12:3,16,17	Fred 7:21	J 1:19	neglected 6:10
Athey 2:2	curve 4:12	Frederick 2:7		neither 12:10
attend 7:19	curve 4.12		Japanese 1:8	
Attorneys 2:1,6,11,14	D	Friday 5:6,20 6:19 7:15	JONES 2:2	NICHOLS 2:13
atypical 10:11		7:19	JUDGE 3:2,15,19,23	l———
available 6:6 9:5	Dan 3:9	friends 6:21	4:8,14,19 5:12,19 6:9	O
	Daniel 2:3	fruitful 5:16	6:14,17 7:1,4,14,23	observing 7:5
В	data 3:12 4:11	Fry's 2:11 3:10,13 4:2	8:20 9:9,19 10:13,18	obviate 7:18
B 2:12	day 10:14	4:3,4,11,17 5:13 6:2,8	10:24 11:3,8,12,15	officer 12:4
back 5:6 9:14	days 5:4 8:10 10:7	7:13		Okay 3:2 4:19 5:12 6:9
beginning 1:20	deal 6:2 7:6	full 4:6 10:14	K	10:13
	Defendant 1:18	further 4:12 9:12	KABUSHIKI 1:8	opportunity 4:16 5:3
behalf 1:13	Defendants 1:10	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	KAISHA 1:8	opposing 3:16
believe 4:9,24 5:16 11:1	Delaware 1:1,3,4,7,22	G	keeps 4:11	optimistic 4:23 5:17
better 3:12 4:10			4	
BINGHAM 2:17	DEVICES 1:2	Gail 1:21 12:3,16	know 8:20 10:21 11:9	ordered 4:2
Bolan 2:5	differently 9:18	give 6:10,11	11:10	outcome 12:12
Brief 6:16	discuss 4:16	going 6:15 8:18 9:21	knows 9:7	overall 11:13
bring 6:10 7:22	discussed 10:22	good 3:19 4:8,14,19		O'MELVENY 2:10
l	discussion 10:14	5:24 7:2	L	
C	discussions 3:16 5:16	good-faith 4:7	L 2:7,15	P
calendar 5:5 6:11	dispute 4:17,21 5:8	Graham 2:12 8:3	LAYTON 2:8	part 8:15
call 3:3,6,6 4:13 9:6	DISTRICT 1:1,1	great 3:23 5:19 7:5	learning 4:12	partially 8:7
case 12:11	documents 3:5	guess 9:19	leave 10:14	parties 8:10 12:11
i l	doing 9:21 10:11		let's 5:20 7:14 10:13	patience 6:18
certain 10:6		H	Linda 2:9	PAUL 1:13
CERTIFICATE 12:1	E	half 7:9	LITIGATION 1:12	permission 5:4
Certification 12:17	earlier 3:21	happy 11:5		
certify 12:5			LLP 2:5,15	permit 5:5
Chad 2:8	efficient 6:4	HAUSFELD 2:4	lodged 8:6	person 4:3
Christopher 2:19	either 5:6 6:20	headway 4:18	looking 5:21 7:9 9:2,11	PHIL 1:13
Civil 1:5,14	Electronics 2:11	hear 3:24 5:12	10:11	phone 4:3
class 2:1 3:9,10,11 4:4	ELLIOTT 2:2	hold 6:15		Plaintiff 2:1
5:15	employed 12:10	Honor 3:8,14 5:3,11,23	M	plaintiffs 1:5,15 3:9,11
Clayton 2:2	entirety 10:6	6:4,23 7:3,12,20 8:4	making 8:9	4:4
clayton 2.2	Esq 2:2,3,5,7,8,9,12,12	8:24 9:17,23 10:10,17	Market 1:22	plan 8:14
Cical J.o	*			<u> </u>

				Page 2
please 5:13 7:23 11:17	RMR 1:21 12:3,16	things 6:5	Y	
point 9:23 10:3,9	Robert 2:12	think 3:21 5:2,20,23		
pointed 8:13	room 6:11	6:12 7:11 8:3,13,20	yep 7:1	
Poppiti 1:19 3:2,15,19	rule 8:19 9:22	9:3,6,15,16,24 10:23	yesterday 3:11 4:2 7:17	
3:23 4:8,14,19 5:12	rules 9:15,16	THOMPSON 2:5	0	
5:19 6:9,14,17 7:1,4	14105 3.13,10	thought 8:18		
7:14,23 8:20 9:9,19	S	Thursday 10:15 11:14	05-1717-JJF 1:10	
10:13,18,24 11:3,8,12	SALES 1:3	time 3:3 5:24 6:4,19 7:3	05-441-JJF 1:5	
11:15	saw 8:5	11:5	05-485-JJF 1:15	
position 5:13	schedule 11:14	today 3:21 8:17	1	
possible 4:16 6:24	scheduled 3:3 11:6	TOLL 2:4	1 21 2000 12.10	
POTTER 2:15	seal 8:15	tomorrow 11:11	1-31-2008 12:18	
PRESENT 2:18	see 10:7	traditionally 9:7	1:30 6:20	
pressing 8:17	seen 3:4,5	transactional 4:11	11:00 6:20	
PRICKETT 2:2	sense 8:21,21	transcript 12:6	15 1:20	
primarily 3:6	separates 5:1	transcripts 8:6	19801 1:22	
probably 6:2	SERVICE 1:4	true 12:6	2	
proceedings 12:4,7,7	set 6:5	try 5:4		
productive 4:7	Shandler 2:8 8:8	Tuesday 1:19	2007 1:20	
proposal 5:10,15	SHORTHAND 12:1	TUNNELL 2:13	220 12:17 230 1:22	
public 8:11,15 9:4 10:2	sides 5:2	turns 6:1	250 1:22	
10:8	significant 9:21	typewriting 12:9	3	
put 6:15 10:18	similarly 1:14	typical 9:13 10:10,12	3:00 1:20	
p.m 1:20	sincerely 7:16		302 1:22	
	situated 1:14	U	302 1.22	
Q	Small 2:3 3:8,9,18,20	underlying 4:17	4	
quickly 6:12	4:1,9,15,20 5:23 6:23	understanding 3:12,21	4:30 6:24 7:1,6,15	
	7:11	4:10	45 7:10	
R	Smith 2:9	UNITED 1:1		
reach 5:17	soon 11:4	unusual 9:12	5	
reason 4:23	sort 10:5	v	571-0510 1:22	
recess 6:16	spoke 3:20			
record 12:6	statement 5:8	Verbano 1:21 12:3,16	8	
redacted 8:7 9:6 10:1	STATES 1:1	version 8:16 9:5 10:8	8635 12:17	
redaction 8:11 10:6 redactions 9:12	status 1:19 3:7 10:15 11:6	versions 10:2 Vincent 1:19		
reduced 12:8	stenographically 12:8	virtually 7:18		í
regard 4:18	stipulation 8:23 9:17	virtually 7.18 vs 1:6,16		
regular 10:15	Stone 2:12 5:14 6:7,13	vs 1.0,10		
reiterate 9:16 10:10	7:2,13	W		
related 12:10	Street 1:22	wasn't 10:3,3		
remain 5:17	subpoenas 3:13	wash c 10.5,5 way 9:7,13		
remediation 8:14	substantial 4:18	week 10:20,23,23,24		
report 3:10,14,17,22	substantive 4:21 5:1	11:4		
5:6,22 6:3 9:5	supervision 12:9	West 6:21		
REPORTER 12:1	sure 6:13 8:9	we'll 7:19		
Reporters 1:24		we're 4:12,20 5:7,9 7:9		
request 9:2	T	7:24		
reserve 5:24 7:14	take 5:4	wholesale 10:5		
resolution 4:16 5:7,18	taken 1:19 12:5,7	Wilcox 1:21,23,24		
respect 3:16	talk 11:7	Wilmington 1:22		
respond 9:1	technically 9:3	wise 8:23		
responsive 3:13 4:10	telecon 3:4	work 4:22 5:5,7 6:1		
Rich 8:14 9:1	teleconference 5:21	7:16		
Richard 2:5,15,16	telephone 6:1	worked 6:5		
RICHARDS 2:8	terms 5:20	works 7:7		
right 9:9 11:2,15,18 Ripley 2:16	thank 3:24 6:14,17 11:18	wouldn't 7:8		
Rapicy 2.10	11.10			

EXHIBIT 9

r—			
			Page 1
1	IN THE UNITED STATES	DISTRICT COURT	30 -
-	FOR THE DISTRICT O		
2			
-	ADVANCED MICRO DEVICES, INC.,	:	
3	a Delaware corporation, and	:	
	AMD INTERNATIONAL SALES &	:	
4	SERVICE, LTD., a Delaware	:	
	corporation,	:	
5	•	: Civil Action	
	Plaintiffs,	: No. 05-441-JJF	
6		•	
_	vs.	:	
7	TARRET CORPORATION - D-1	:	
	INTEL CORPORATION, a Delaware	:	
8	corporation, and INTEL	:	
9	KABUSHIKI KAISHA, a Japanese corporation,		
	corporation,		
10	Defendants.	•	
-	Defendancs.	: MDL NO. 05-1717-JJF	
11	IN RE INTEL CORPORATION	:	
	MICROPROCESSOR ANTITRUST	:	
12	LITIGATION	:	
		:	
13	PHIL PAUL, on behalf of	:	
	himself and all other	:	
14	similarly situated,	:	
		: Civil Action	
15	Plaintiffs,	: No. 05-485-JJF	
1.0		:	
16	vs.	: -	
17	INTEL CORPORATION,		
' '	INIEL CORPORATION,		
18	Defendant.	•	
19		ference was taken	
	before The Honorable Vincent J		
20	May 24, 2007, beginning at app		
21	Gail Inghram Verbano,		
	CORBETT & WI		
22	230 N. Market Street - Wilmin	ngton, Delaware 19801	
	(302) 571-0	510	
23			
	Corbett & Wilcox is not a		
24	Wilcox & Fetzer, Cou	rt Reporters	

www.corbettreporting.com

Page 2 1 Attorneys for the Class Plaintiff: 2 Daniel Small, Esq. COHEN, MILSTEIN, HAUSFELD & TOLL 3 Clayton Athey, Esq. 4 PRICKETT JONES & ELLIOTT 5 Pichard Bolan, Esq. 5 Counter-proposal.	Page 4
2 Daniel Small, Esq. COHEN, MILSTEIN, HAUSFELD & TOLL 3 In any event, we had a language of the state of the s	
COHEN, MILSTEIN, HAUSFELD & TOLL 3	
Clayton Athey, Esq. 3 In any event, we had a to the square of the square	fore today.
Clayton Athey, Esq. 4 with Fry's today in which they made to PRICKETT JONES & ELLIOTT 5 counter-proposal	orief call
4 PRICKETT JONES & ELLIOTT 5 counter-proposal	that
5 Richard Bolan, Esq. 3 Counter proposal. FINKELSTEIN, THOMPSON, LLP 6 We haven't had much of	a chance.
6 7 obviously, yet to study it and conside	
Attorneys for AMD:	•
8 does appear at first blush to be a goo	u-iaiui
Chad Shandler, Esq. 9 counteroffer. 8 RICHARDS LAYTON & FINGER 10 So what wo've done sub-	
9 Linda Smith, Esq. 10 SO What we've done, suc	-
Jennifer Laser, Esq. 11 Honor's permission, is set up a call w	
10 O'MELVENY & MYERS 12 next week on Tuesday, at which time	we'll give Fry's
11 Attorneys for Intel: 12 W. Harding Drane, Esq. 13 our questions about their counter-pro	posal and have a
POTTER ANDERSON & CORROON LLP 14 discussion about that.	
13 We may also send Fry's	some
Richard A. Ripley, Esq. 14 BINGHAM, McCUTCHEN 16 questions in advance if we're able to	
15 Attorneys for Fry's Electronics: 17 the goal of spending some time next	
16 Mary Graham, Esq.	
Michael Powell, Esq.	
17 MORRIS, NICHOLS, ARSHT & TUNNELL 19 we would propose, jointly with Fry's a 18 20 set up another call to report to Your b	-
20 Set up another can to report to roun i	
20 21 of next week. We were suggesting m	naybe 4 o'clock
22 your time to try to do that.	
22 23 JUDGE POPPITI: Okay.	Mr. Powell?
24 MR. POWELL: Yes, Fry's	is in
Page 3	Page 5
JUDGE POPPITI: Are we dealing with 1 agreement. Mr. Small has accurately	
2 status today? 2 status of the discussions, and we are	e agreeable to a
3 MR. SMALL: Dan Small for the class 3 call next Friday.	
4 plaintiffs. Some real quick history, just to put in 4 JUDGE POPPITI: Okay.	Well, that
5 context recent progress we made. 5 sounds like it's excellent progress. L	.et's then
6 We originally met with Fry's back 6 schedule the call for excuse me ju	st a moment.
7 on May 14th, pursuant to Your Honor's order to meet 7 (Discussion off the record.)	
8 and confer, both to understand their transactional 8 JUDGE POPPITI: Did yo	ou sav
,	,
9 data better, and other data, as well as to try and 9 4 o'clock next week?	works for
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 9 4 o'clock next week? 10 MR. SMALL: Yeah, that	
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 MR. SMALL: Yeah, that 13 the parties, obviously subject to your	
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor.	r calendar, Your
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'cke	r calendar, Your ock will work
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'clo	r calendar, Your ock will work I else to do
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 9 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'clock 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe	r calendar, Your ock will work gelse to do e long Memorial
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'clo 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 Now, later that week and we did 16 weekend, and I look forward to talking	r calendar, Your ock will work gelse to do e long Memorial
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 4 o'clock next week? 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'clo 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talking 17 Friday at 4:00 p.m.	r calendar, Your ock will work gelse to do e long Memorial
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'clo 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 Now, later that week and we did 16 weekend, and I look forward to talking	r calendar, Your ock will work I else to do I long Memorial Ing with you next
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'ck 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talkin 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you	r calendar, Your ock will work gelse to do e long Memorial ng with you next y Your Honor.
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 a proposal to Fry's to try and deal with that one 9 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'ck 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talkin 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you 19 MR. SMALL: Thank you 19 MR. SMALL: Thank you 10 MR. SMALL: Thank you 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'ck 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 Weekend, and I look forward to talkin 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you 19 MR. POWELL: Thank you	r calendar, Your ock will work glese to do elong Memorial ng with you next y, Your Honor. ou, Your Honor.
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 a proposal to Fry's to try and deal with that one 20 last issue. 9 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'ck 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talking 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you 19 JUDGE POPPITI: Thank	r calendar, Your ock will work glese to do elong Memorial ng with you next y, Your Honor. ou, Your Honor.
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 a proposal to Fry's to try and deal with that one 19 last issue. 20 JUDGE POPPITI: Thank you 21 JUDGE POPPITI: Okay.	r calendar, Your ock will work glese to do elong Memorial ng with you next y, Your Honor. ou, Your Honor.
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 a proposal to Fry's to try and deal with that one 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 Honor. 13 JUDGE POPPITI: 4 o'cke 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talki 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you 19 A o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 today, I wish you all a good and safe 13 weekend, and I look forward to talki 14 Friday at 4:00 p.m. 15 MR. SMALL: Thank you 16 JUDGE POPPITI: Okay. 17 MR. SMALL: Thank you 18 MR. POWELL: Thank you 19 JUDGE POPPITI: Thank 20 JUDGE POPPITI: Thank 21 JUDGE POPPITI: Okay. 22 MR. SMALL: Now, some period of	r calendar, Your ock will work glese to do elong Memorial ng with you next y, Your Honor. ou, Your Honor.
9 data better, and other data, as well as to try and 10 make progress on the underlying dispute. 11 We reported back to Your Honor the 12 next day on May 15th, and we reported that we had 13 made very substantial progress, both in terms of 14 understanding the data and in trying to resolve the 15 dispute. 16 Now, later that week and we did 17 mention, though, that we had one significant issue 18 that still separated us. And later that week we made 19 a proposal to Fry's to try and deal with that one 20 last issue. 21 JUDGE POPPITI: Okay. 9 4 o'clock next week? 10 MR. SMALL: Yeah, that 11 the parties, obviously subject to your 12 thonor. 13 JUDGE POPPITI: 4 o'ck 14 for next Friday. So if there's nothing 15 today, I wish you all a good and safe 16 weekend, and I look forward to talki 17 Friday at 4:00 p.m. 18 MR. SMALL: Thank you 19 MR. POWELL: Thank you 20 JUDGE POPPITI: Thank 21 JUDGE POPPITI: Okay.	r calendar, Your ock will work glese to do elong Memorial ng with you next y, Your Honor. ou, Your Honor.

2 (Pages 2 to 5)

I, Gail Inghram Verbano, CSR, RMR, the officer before whom the foregoing proceedings were taken by hereby certify that the foregoing transcript is a cue and correct record of the proceedings with the foregoing transcript is a cue and correct record of the proceedings with the foregoing transcript is a cue and correct record of the proceedings were taken by me stenographically—and thereafter reduced to typewriting under fury supervision; and that I am neither course for, related to, nor employed by any of the goard state of the correct records of the proceedings were taken by me stenographically—and the reduced to typewriting under fury supervision; and that I am neither course for, related to, nor employed by any of the goard state of the correct records of the correct r		
	CERTIFICATE OF SHORTHAND REPORTER I, Gail Inghram Verbano, CSR, RMR, the officer before whom the foregoing proceedings were taken do hereby certify that the foregoing transcript is a rue and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under roy supervision; and that I am neither counsel for, related to, nor employed by any of the parties of this case and have no interest, financial or otherwise, in its outcome.	

3 (Page 6)

able 4:16

accurately 5:1

Action 1:5,14

advance 4:16

affiliated 1:23

afternoon 3:23

agreeable 5:2

agreement 5:1

Apparently 3:24

В

C

appear 4:8

Athey 2:3

ARSHT 2:17

back 3:6,11 4:2

beginning 1:20

BINGHAM 2:14

behalf 1:13

better 3:9

blush 4:8

Bolan 2:5

calendar 5:11

brief 4:3

case 6:11

certify 6:5

Chad 2:7

chance 4:6

Civil 1:5,14

class 2:1 3:3

Clayton 2:3

COHEN 2:2

consider 4:7

context 3:5

1:11,17

correct 6:6

counsel 6:10

4:5,13

conference 1:19

Corbett 1:21,23

CORROON 2:12

counteroffer 4:9

CLR 1:21

confer 3:8

ADVANCED 1:2

Conference

Page 1 separates 4:18 5:18,19 Court 1:1.24 O **SERVICE 1:4** Honorable 1:19 CSR 1:21 6:3,16,17 obviously 4:7 5:11 set 4:11,20 Honor's 3:7 4:11 officer 6:4 Shandler 2:7 Okay 3:21 4:23 5:4 **SHORTHAND** 6:1 Dan 3:3 order 3:7 Inghram 1:21 6:3,16 significant 3:17 Daniel 2:2 originally 3:6 similarly 1:14 Intel 1:7,8,11,17 2:11 data 3:9,9,14 outcome 6:12 interest 6:11 situated 1:14 day 3:12 o'clock 4:21 5:9.13 INTERNATIONAL Small 2:2 3:3,3,22 5:1 deal 3:19 O'MELVENY 2:10 dealing 3:1 1:3 5:10,18 issue 3:17,20 4:18 Smith 2:9 Defendant 1:18 P AMD 1:3 2:6 4:19 sounds 5:5 Defendants 1:10 parties 5:11 6:11 ANDERSON 2:12 spending 4:17 **Delaware** 1:1,3,4,7,22 PAUL 1:13 **ANTITRUST 1:11** STATES 1:1 J 1:19 **DEVICES 1:2** period 3:22 Japanese 1:8 status 1:19 3:2 5:2 difficult 4:2 permission 4:11 stenographically 6:8 discussion 4:14 5:7 Jennifer 2:9 PHIL 1:13 approximately 1:20 Street 1:22 discussions 5:2 jointly 4:19 Plaintiff 2:1 study 4:7 dispute 3:10,15 **JONES 2:4** plaintiffs 1:5,15 3:4 subject 4:10 5:11 DISTRICT 1:1,1 JUDGE 3:1,21 4:23 5:4 Attorneys 2:1,6,11,15 Poppiti 1:19 3:1,21 substantial 3:13 **Drane 2:12** 5:8,13,20 4:23 5:4,8,13,20 suggesting 4:21 **POTTER 2:12** \mathbf{E} K supervision 6:9 Powell 2:16 4:23,24 Electronics 2:15 KABUSHIKI 1:8 5:19 **ELLIOTT 2:4** KAISHA 1:8 PRICKETT 2:4 employed 6:10 taken 1:19 6:5,7 proceedings 6:4.7.7 Esq 2:2,3,5,7,9,9,12,13 talking 5:16 progress 3:5,10,13 5:5 terms 3:13 2:16,16 Laser 2:9 proposal 3:19 event 4:3 LAYTON 2:8 Thank 5:18,19,20 propose 4:19 excellent 5:5 Let's 5:5 **THOMPSON 2:5** pursuant 3:7 excuse 5:6 Linda 2:9 Thursday 1:19 put 3:4 Expires 6:18 **LITIGATION 1:12** time 3:23 4:12.17.22 p.m 1:20 5:17 extenuating 4:1 LLP 2:5,12 today 3:2 4:2,4 5:15 **TOLL 2:2** long 5:15 0 call 4:3,11,20 5:3,6 look 5:16 transactional 3:8 questions 4:13,16 Fetzer 1:24 transcript 6:6 **CERTIFICATE 6:1** quick 3:4 M financial 6:12 true 6:6 Certification 6:17 FINGER 2:8 **major** 4:18 $\overline{\mathbf{R}}$ try 3:9,19 4:22 **FINKELSTEIN 2:5** trying 3:14 4:17 Market 1:22 real 3:4 first 4:8 Mary 2:16 Tuesday 4:12 record 5:7 6:6 foregoing 6:4,5 McCUTCHEN 2:14 TUNNELL 2:17 circumstances 4:1 reduced 6:8 forward 5:16 **MDL** 1:10 typewriting 6:9 reflected 5:1 meet 3:7 Friday 4:20 5:3,14,17 related 6:10 U Fry's 2:15 3:6,19,24 Memorial 5:15 report 4:20 4:2,4,11,12,15,19,24 underlying 3:10 mention 3:17 reported 3:11,12 understand 3:8 met 3:6 REPORTER 6:1 \mathbf{G} understanding 3:14 Michael 2:16 Reporters 1:24 Gail 1:21 6:3,16 **MICRO** 1:2 UNITED 1:1 resolve 3:14 4:18 give 4:12 MICROPROCESSOR **Richard 2:5,13** \mathbf{v} goal 4:17 1:11 **RICHARDS** 2:8 good 5:15 **MILSTEIN 2:2** Verbano 1:21 6:3,16 Ripley 2:13 good-faith 4:8 Vincent 1:19 moment 5:6 corporation 1:3,4,7,8,9 **RMR** 1:21 6:3,16 Graham 2:16 **MORRIS 2:17** vs 1:6,16 **MYERS 2:10** S Н \mathbf{w} safe 5:15 N Harding 2:12 W 2:12 **SALES 1:3 HAUSFELD 2:2** N 1:22 week 3:16,18 4:12,17 schedule 5:6 history 3:4 neither 6:10 4:21 5:9 counter-proposal 3:24 send 4:15 Honor 3:11 4:20 5:12 NICHOLS 2:17 weekend 5:16 separated 3:18

				Page 2
went 3:23 we'll 4:12 we're 4:16 we've 4:10 Wilcox 1:21,23,24 Wilmington 1:22 wish 5:15 work 5:13 works 5:10				
Y Yeah 5:10 0 05-1717-JJF 1:10 05-441-JJF 1:5 05-485-JJF 1:15		·	·	
1-31-2008 6:18 14th 3:7 15th 3:12 19801 1:22 2 2007 1:20 220 6:17 230 1:22	·			
24 1:20 3 302 1:22 4 4 4:21 5:9,13 4:00 5:17				
5:00 1:20 571-0510 1:22 8 8635 6:17	·			

EXHIBIT 10

```
Page 1
                 IN THE UNITED STATES DISTRICT COURT
 1
 2
                     FOR THE DISTRICT OF DELAWARE
 3
        ADVANCED MICRO
        DEVICES, INC., a
 4
        Delaware
        corporation, and AMD
                                 ) Civil Action No.
 5
        INTERNATIONAL SALES
                                    05-441- JJF
        & SERVICE, LTD., a
 6
        Delaware
 7
        corporation,
                Plaintiff,
 8
 9
        v.
10
        INTEL CORPORATION, a
        Delaware
11
        corporation, and
        INTEL KABUSHIKI
12
        KAISHA, a Japanese
        corporation,
13
                Defendants.
14
15
        IN RE:
        INTEL CORP.
16
        MICROPROCESSOR
        ANTITRUST LITIGATION
                                    Civil Action No.
17
        PHIL PAUL, on behalf
                                    05-MD-1717-JJF
        of himself and all
        others similarly
18
                                   Civil Action
        situated,
                                   No. 05-485-JJF
19
                Plaintiffs,
                                    CONSOLIDATED ACTION
20
        v.
21
        INTEL CORPORATION,
22
               Defendant.
23
24
     Reporter: ELLEN CORBETT HANNUM, RMR, CMRS, CLR
```

www.corbettreporting.com

_			r	
		Page 2		Page 4
1	CORBETT & WILCOX Registered Professional Reporters		1	much.
2	The Parcels Building - 230 N. Market Street		2	MR. POWELL: Mike Powell representing
3	Wilmington, DE 19801 (302) 571-0510		3	Fry's.
	www.corbettreporting.com		4	THE SPECIAL MASTER: Thank you very
4	Corbett & Wilcox is not affiliated with Wilcox & Fetzer, Court Reporters		5	much.
5	A teleconference was taken pursuant to notice		6	Are we expecting anyone else? Does
"	before Ellen Corbett Hannum, Registered Merit Reporter,		7	anyone know?
7	in the law offices of Blank Rome, LLP, 1201 N. Market Street, Suite 800, Wilmington, Delaware, on Wednesday,		8	MR. SMALL: I don't believe there will
8	June 6, 2007, beginning at approximately 4:00 p.m., there		9	be anyone for the class plaintiffs, Your Honor.
9	being present:		10	MR. POWELL: There won't be anyone else
10	BEFORE: THE SPECIAL MASTER VINCENT J. POPPITI, JR. ALSO PRESENT: DAVID W. CARICKHOFF, ESQUIRE		11	for Fry's.
11 12	APPEARANCES:		12	MR. DRANE: Your Honor, I don't know if
13	DICHADOS LAVTON & FINGED DA		13	Richard Ripley is on for Intel, I expect him to
14.	RICHARDS, LAYTON & FINGER, P.A. BY: FREDERICK COTTRELL, ESQ.		14	participate.
15	and O'MELVENY AND MYERS		15	THE SPECIAL MASTER: I did not hear
١.	BY: LINDA SMITH, ESQ.		16	Mr. Ripley.
16 17	JENNIFER LASER, ESQ. (Los Angeles, California)		17	MR. COTTRELL: Your Honor, Fred Cottrell
18	, - , ,		18	for AMD, I am expecting one or two from O'Melveny, I
19	Attorneys for Advanced Micro Devices, Inc. and AMD International			don't know whether they joined yet.
20	Sales & Service, Ltd.		19	· - · · · ·
21	POTTER ANDERSON & CORROON		20	MS. SMITH: Your Honor, Linda Smith.
22	BY: HARDING DRANE, ESQ. and		21	THE SPECIAL MASTER: Hello.
1	BRINGHAM MCCUTCHEN LLP		22	Let's go back and do a roll call when
23 24	BY: RICHARD A. RIPLEY, ESQ. Attorneys for Intel Corporation		23	everyone is on.
	and Intel Kabushiki Kaisha		24	MR. SMALL: This is Dan Small for the
		Page 3		Page 5
1	APPEARANCES (CONTINUED):	Page 3	1	Page 5
1 2	APPEARANCES (CONTINUED):	Page 3	1 2	class plaintiffs.
2	PRICKETT, JONES & ELLIOTT	Page 3	2	class plaintiffs. THE SPECIAL MASTER: Thank you,
	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE	Page 3	2	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small.
2	PRICKETT, JONES & ELLIOTT	Page 3	2 3 4	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class
3	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.	Page 3	2 3 4 5	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs.
3	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ.	Page 3	2 3 4 5 6	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class
3	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.	Page 3	2 3 4 5 6 7	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs.
2 3 4 5	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP	Page 3	2 3 4 5 6 7 8	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you.
2 3 4 5 6	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE	Page 3	2 3 4 5 6 7 8 9	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell.
2 3 4 5	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP	Page 3	2 3 4 5 6 7 8 9	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks.
2 3 4 5 6 7 8	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs	Page 3	2 3 4 5 6 7 8 9 10	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's.
2 3 4 5 6 7 8	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL	Page 3	2 3 4 5 6 7 8 9 10 11 12	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you.
2 3 4 5 6 7 8 9	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE	Page 3	2 3 4 5 6 7 8 9 10 11 12 13	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer
2 3 4 5 6 7 8	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD.
2 3 4 5 6 7 8 9 10 11 12	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred
2 3 4 5 6 7 8 9 10 11 12 13	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD.
2 3 4 5 6 7 8 9 10 11 12	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in Wilmington for Intel.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred Cottrell is on, Mary Graham, Richard Volin and Dan Small.	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in Wilmington for Intel.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred Cottrell is on, Mary Graham, Richard Volin and Dan Small. David just walked in. MR. ATHEY: Clayton Athey. Good afternoon, Your Honor.	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in Wilmington for Intel. THE SPECIAL MASTER: Okay. Please.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred Cottrell is on, Mary Graham, Richard Volin and Dan Small. David just walked in. MR. ATHEY: Clayton Athey. Good afternoon, Your Honor. THE SPECIAL MASTER: Good afternoon.	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in Wilmington for Intel. THE SPECIAL MASTER: Okay. Please. MR. DRANE: And I believe I heard
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PRICKETT, JONES & ELLIOTT BY: J. CLAYTON ATHEY, ESQUIRE and COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C. BY: DANIEL A. SMALL, ESQ. (Washington, D.C.) and FINKELSTEIN THOMPSON LLP BY: RICHARD M. VOLIN, ESQUIRE Attorneys for the Class Plaintiffs MORRIS, NICHOLS, ARSHT & TUNNEL BY: MARY B. GRAHAM, ESQUIRE BY: MIKE POWELL, ESQUIRE Attorneys on behalf of Fry's Electronics THE SPECIAL MASTER: Hello all. I don't know whether everyone is on yet. I understand that Fred Cottrell is on, Mary Graham, Richard Volin and Dan Small. David just walked in. MR. ATHEY: Clayton Athey. Good afternoon, Your Honor.	Page 3	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	class plaintiffs. THE SPECIAL MASTER: Thank you, Mr. Small. MR. ATHEY: Clay Athey for the class plaintiffs. MR. VOLIN: Richard Volin for the class plaintiffs. THE SPECIAL MASTER: Thank you. MR. POWELL: Mike Powell. THE SPECIAL MASTER: Thanks. MS. GRAHAM: Mary Graham for Fry's. THE SPECIAL MASTER: Thank you. MS. SMITH: Linda Smith and Jennifer Laser for AMD. MR. COTTRELL: And, Your Honor, Fred Cottrell in Wilmington for AMD. THE SPECIAL MASTER: Thank you. MR. DRANE: This is Harding Drane in Wilmington for Intel. THE SPECIAL MASTER: Okay. Please. MR. DRANE: And I believe I heard Richard Ripley.

2 (Pages 2 to 5)

	relector		
	Page 6		Page 8
1	MR. SMALL: Your Honor, this is Dan	1	will just be, again, a status conference.
2	small.	2	MR. SMALL: Yes, that's certainly our
3	Would you like me to proceed with our	3	contemplation for the class plaintiffs that it would just
4	negotiations?	4	be to report to Your Honor either that we reached
5	THE SPECIAL MASTER: Yes, if you would.	5	agreement with Fry's or that we have open issues that we
6	MR. SMALL: We were originally supposed	6	were not able to reach agreement on and talk about how to
7	to talk last Friday, but at Fry's' request we put off the	7	proceed, if that is the case.
8	conference until today so that Fry's would have an	8	THE SPECIAL MASTER: Okay. Good.
9	opportunity to consider the outstanding proposal we had	9	MR. POWELL: Fry's is in agreement with
10	made to try and bring our negotiations to a close and	10	it.
11	reach agreement on the data that Fry's would produce to	11	THE SPECIAL MASTER: Good. Then I can
12	us and other parties in the case.	12	just give me one moment, please.
13	And we did receive a counter proposal	13	If this time slot or even later works
14	from Fry's very late last night. The proposal appears to	14	for everyone on the 13th, then we can do that. It would
15	represent very significant progress, and I actually say,	15	be 4:30 on the 13th; if it needs to be later on your end,
16	with some caution, that we may be close to an agreement.	16	then it can be later on my end as well.
17	THE SPECIAL MASTER: Good.	17	MR. POWELL: This is Mike Powell for
18	MR. SMALL: We had a call earlier today,	18	Fry's. 4:30 works fine for us.
19	just actually about an hour or so ago with Fry's, to ask	19	MR. SMALL: That's fine for us.
20	some questions about the latest proposal, make sure we	20	MS. SMITH: It's fine for AMD.
21	understand exactly what it entails. Fry's' counsel was	21	MR. RIPLEY: This is Richard Ripley.
22	not able to answer all our questions at that point,	22	Harding, can you make that because I
23	although he helped advance the ball, but we did have some	23	will actually be on an airplane. But if you can make it
24	additional questions that Fry's is going to go back to	24	we should just go ahead.
1	, , , , , , , , , , , , , , , , , , , ,		
<u> </u>			
	Page 7		Page 9
1	whomever it needs to talk to to get answers.	1	MR. DRANE: I can make it.
2	whomever it needs to talk to to get answers. And we have scheduled a call for	2	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will
2 3	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions		MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly
2 3 4	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an	2 3 4	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not?
2 3 4 5	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production.	2 3 4 5	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do.
2 3 4 5 6	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in	2 3 4 5 6	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's
2 3 4 5 6 7	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make	2 3 4 5 6 7	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last
2 3 4 5 6 7 8	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that	2 3 4 5 6 7 8	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember
2 3 4 5 6 7 8 9	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week.	2 3 4 5 6 7 8 9	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm
2 3 4 5 6 7 8 9	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay.	2 3 4 5 6 7 8 9	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here.
2 3 4 5 6 7 8 9 10	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also	2 3 4 5 6 7 8 9 10	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your
2 3 4 5 6 7 8 9 10 11 12	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that	2 3 4 5 6 7 8 9 10 11 12	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar.
2 3 4 5 6 7 8 9 10 11 12 13	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for	2 3 4 5 6 7 8 9 10 11 12 13	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know?
2 3 4 5 6 7 8 9 10 11 12 13 14	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred
2 3 4 5 6 7 8 9 10 11 12 13 14 15	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please. MR. POWELL: This is Mike Powell from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th. (Discussion off the record.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please. MR. POWELL: This is Mike Powell from Fry's. I agree with what Mr. Small reported. And we are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th. (Discussion off the record.) THE SPECIAL MASTER: In light of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please. MR. POWELL: This is Mike Powell from Fry's. I agree with what Mr. Small reported. And we are in agreement in having a hearing reserved for next	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th. (Discussion off the record.) THE SPECIAL MASTER: In light of the time that we set for the Thursday, do you want to simply
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please. MR. POWELL: This is Mike Powell from Fry's. I agree with what Mr. Small reported. And we are in agreement in having a hearing reserved for next Wednesday or so.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th. (Discussion off the record.) THE SPECIAL MASTER: In light of the time that we set for the Thursday, do you want to simply use that time?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	whomever it needs to talk to to get answers. And we have scheduled a call for tomorrow so, hopefully, get answers to those questions and see if we can bring conclusion, at least to reach an agreement in principle as to the date of production. If we do reach an agreement in principle, we talked about the idea that it would make sense to reduce that to writing. And it's our hope that we can accomplish all of that by mid-week next week. THE SPECIAL MASTER: Okay. MR. SMALL: With that in mind we also think, Your Honor, if you have time on your calendar that it would make sense to reserve a short amount of time for next Wednesday so that we can either report back to you that we reached agreement at that point or if we haven't to notify you of whatever the outstanding issues may be. THE SPECIAL MASTER: Okay. May I hear from Fry's, please. MR. POWELL: This is Mike Powell from Fry's. I agree with what Mr. Small reported. And we are in agreement in having a hearing reserved for next	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DRANE: I can make it. THE SPECIAL MASTER: Good. Then we will book 4:30 on June the 13th. And we have got a regularly scheduled conference, in any event, tomorrow, do we not? At least I think we do. MS. SMITH: I am not sure if that's THE SPECIAL MASTER: We had last Thursday and that was cancelled. And I don't remember whether we are expecting to confer tomorrow, as I'm sitting here. MR. SMALL: For what it's worth, Your Honor, I don't have that on my calendar. MS. SMITH: Fred, do you know? MR. COTTRELL: Yes. Your Honor, Fred Cottrell. The next one I have is for the 14th. THE SPECIAL MASTER: Okay. All right. Then I will look forward to the date we just set and then the 14th. (Discussion off the record.) THE SPECIAL MASTER: In light of the time that we set for the Thursday, do you want to simply

3 (Pages 6 to 9)

	7 0.000	ii Ci C	
	Page 10		Page 12
1	THE SPECIAL MASTER: It matters not to	1	MR. SMALL: Not at this time, Your
2	me.	2	Honor.
3	MR. SMALL: I am indifferent, Your	3	MS. SMITH: Thank you, Your Honor.
4	Honor, which day we do it. I think either would work	4	MR. POWELL: Thank you, Your Honor.
5	just fine.	5	(The hearing concluded at 4:50 p.m.)
6	MR. POWELL: What time is the matter on	6	(The hearing conducts at the phin)
7	Thursday?	7	
8	THE SPECIAL MASTER: 11:00, I believe.	8	
9	MR. COTTRELL: That's correct, Your	9	
10	Honor.	10	
11	MR. POWELL: It's a bit early for us	11	
12	West Coasters.	12	
13	THE SPECIAL MASTER: Okay. We can keep	13	
14	the 4:30.	14	
15	MS. SMITH: This is Linda Smith. I	15	
16	think that's a good idea anyway, one of the things I'm	16	
17	not sure we mentioned is and maybe this isn't the	17	
18	case: If we are able to reach a complete agreement	18	
19	between now and then, we may collectively send the Court		
20	an e-mail saying that there is no need for the call.	20	
21	THE SPECIAL MASTER: If it comes to	21	
22	that, that's fine.	22	
23	MS. SMITH: Okay. And if we haven't	23	
24	reached an agreement, this could be a substantive call on	24	•
	<u> </u>		
	Page 11		Page 13
1	Fry's part. And I think we have plenty on our plate with	1	CERTIFICATE
2	whatever may be necessary to discuss on the 14th. So I	2	A
3	think it would be a good solution.	3	STATE OF DELAWARE:
4	THE SPECIAL MASTER: The only caution	4	NEW CASTLE COUNTY:
5	that I have with anything substantive, if you are going	5	I, Elen Corbett Hannum, a Notary Public within and
6	to be serving up the remaining issue paper, if you will,	6	for the County and State aforesaid, do hereby certify that the foregoing teleconference was taken before me,
7	I'm not sure I'm going to be able to have the time at the	8	pursually to notice, at the time and place indicated; that
8	4:30 slot to deal with that in light of other commitments	9	the statements of participants were correctly recorded in
9	that I have.	10	machine shorthand by me and thereafter transcribed under
10	So it may be that 4:30 becomes the	11	my supervision with computer-aided transcription; that
11	advice that there are substantive issues left to be dealt	12	the transgript is a trace record on the statements given
12	with and I may not be able to schedule that until the	13	by the participants; and that I are neither of counsel nor
13	next week.	14	kin to any party in said action, nor interested in the outcome thereof
14	MR. SMALL: This is Dan small, Your	15 16	
15	Honor.	17	June A.D. 2007.
16	I think it would be fine for us to maybe	18	WITNESS my hand and official seal this 12th day of June A.D. 2007
17	preview for Your Honor what the problems are, if there		<u> </u>
18	are any, and then we can set up a procedure for handling	19	Ellen Corbett (fannum, RMR, CMRS)
19	those.	_	Notary Public - Reporter
20	THE SPECIAL MASTER: Okay. All right.	20	Delaware Certified Shorthand Reporter
21	Then I would look forward either to an email saying that	24	Certification No. 118-RR
22	there is no need for the 4:30 call or we will use the	21 22	Jy Ch
			1 /0. Y
23	4:30 call in the fashion you just suggested.	23	
	4:30 call in the fashion you just suggested. Anything else?	23 24	Notary Public - Reporter Delaware Certified Shorthand Reporter Certification No. 118-Reporter

4 (Pages 10 to 13)

Page 1

· · · · · · · · · · · · · · · · · · ·
A
able 6:22 8:6 10:18
11:7,12
accomplish 7:9
action 1:5,16,18,19
13:14
additional 6:24
advance 6:23
Advanced 1:3 2:18
advice 11:11
affiliated 2:4
aforesaid 13:6
afternoon 3:21,22
ago 6:19
agree 7:20
agreement 6:11,16 7:5
7:6,15,21 8:5,6,9
10:18,24
ahead 8:24
airplane 8:23
AMD 1:5 2:19 4:18
5:14,16 8:20 amount 7:13
ANDERSON 2:21
Angeles 2:17
answer 6:22
answers 7:1,3
ANTITRUST 1:16
anyway 10:16
APPEARANCES 2:12
3:1
appears 6:14
approximately 2:8
ARSHT 3:10
Athey 3:3,20,20 5:4,4
Attorneys 2:18,24 3:8
3:12
A.D 13:17
В
B 3:10
back 4:22 6:24 7:14
1

В
B 3:10
back 4:22 6:24 7:14
ball 6:23
beginning 2:8
behalf 1:17 3:12
believe 4:8 5:21 10:8
bit 10:11
Blank 2:7
book 9:3
bring 6:10 7:4
BRINGHAM 2:22
Building 2:2

C 13:1,1
calendar 7:12 9:12
California 2:17
call 4:22 6:18 7:2 10:20

10:24 11:22,23
cancelled 9:8
CARICKHOFF 2:11
case 6:12 8:7 10:18
CASTLE 13:4
caution 6:16 11:4
certainly 8:2
Certification 13:20
Certified 13:20
certify 13:6
Civil 1:5,16,18
class 3:8 4:9 5:1,4,6 8:3
Clay 5:4
Clayton 3:3,20
close 6:10,16
CLR 1:24
CMRS 1:24 13:19
Coasters 10:12
COHEN 3:4
collectively 10:19
comes 10:21
commitments 11:8
complete 10:18
computer-aided 13:11
concluded 12:5
conclusion 7:4
confer 9:9
conference 6:8 8:1 9:4 consider 6:9
CONSOLIDATED
1:19
contemplation 8:3
CONTINUED 3:1
convenient 9:23
Corbett 1:24 2:1,4,6
13:5,19
CORP 1:15
2014 1115 2014 115 7 10

CORP 1:15
corporation 1:5,7,10
1:11,12,21 2:24
correct 10:9
correctly 13:9
CORROON 2:21
Cottrell 2:14 3:18 4:17
4:17 5:15,16 9:14,15
10:9
counsel 6:21 13:13
counter 6:13
County 13:4,6
Court 1:1 2:4 10:19

D
Dan 3:18 4:24 6:1
11:14
DANIEL 3:5
data 6:11
date 7:5 9:17
David 2:11 3:19
day 10:4 13:16

Teleconference
<u> </u>
DE 2:2
deal 11:8
dealt 11:11
Defendant 1:22
Defendants 1:13
Delaware 1:2,4,6,10
2:7 13:3,20
Devices 1:4 2:19
discuss 11:2
Discussion 9:19
DISTRICT 1:1,2
Drane 2:21 3:23,23
4:12 5:18,18,21 9:1
D.C 3:5
E
E 13:1,1
earlier 6:18
early 10:11
either 7:14 8:4 10:4
11:21
Electronics 3:12
Ellen 1:24 2:6 13:5,19
ELLIOTT 3:2
email 11:21
entails 6:21
ESQ 2:14,15,16,21,23
3:5
ESQUIRE 2:11 3:3,7
3:10,11
event 9:4
exactly 6:21
expect 4:13
expecting 4:6,18 9:9

F
F 13:1
fashion 11:23
Fetzer 2:4
fine 8:18,19,20 10:5,22
11:16
FINGER 2:13
FINKELSTEIN 3:6
foregoing 13:7
forward 9:17 11:21
Fred 3:17 4:17 5:15
9:13,14
FREDERICK 2:14
Friday 6:7
Fry's 3:12 4:3,11 5:11
6:7,8,11,14,19,21,24
7:18,20 8:5,9,18 11:1
G
give 8:12

going 6:24 11:5.7
going 6:24 11:5,7 good 3:20,22 6:17 8:8
8:11 9:2 10:16 11:3
Graham 3:10,18 5:11
5:11
J.11
H
hand 13:16
handling 11:18
Hannum 1:24 2:6 13:5
13:19
Harding 2:21 3:23 5:18
8:22
HAUSFELD 3:4
hear 4:15 7:17
heard 5:21
hearing 7:21,24,24
12:5
Hello 3:16 4:21
helped 6:23
Honor 3:21 4:9,12,17
4:20 5:15 6:1 7:12
8:4 9:12,14,24 10:4
10:10 11:15,17 12:2,3
12:4
hope 7:8
hopefully 7:3
hour 6:19
nour 0.17
I
idea 7:7 10:16
indicated 13:8
indifferent 10:3
Intel 1:10,11,15,21
2:24,24 4:13 5:19
interested 13:14
International 1:5 2:19
issue 11:6
issues 7:16 8:5 11:11
J
J 2:10 3:3
J 2:10 3:3 Japanese 1:12
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2 JR 2:10
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2 JR 2:10
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2 JR 2:10 June 2:8 9:3 13:17
J 2:10 3:3 Japanese 1:12 Jennifer 2:16 5:13 JJF 1:5 joined 4:19 JONES 3:2 JR 2:10 June 2:8 9:3 13:17

K
Kabushiki 1:11 2:24
Kaisha 1:12 2:24
keep 10:13
kin 13:14
know 3:17 4:7,12,19
9:13

L
Laser 2:16 5:14
late 6:14
latest 6:20
law 2:7
LAYTON 2:13
left 11:11
Let's 4:22
light 9:20 11:8
Linda 2:15 4:20 5:13
10:15
LITIGATION 1:16
LLP 2:7,22 3:6
look 9:17 11:21
Los 2:17

M
M 3:7
machine 13:10
Market 2:2,7
Mary 3:10,18 5:11
MASTER 2:10 3:16,22
3:24 4:4,15,21 5:2,8
5:10,12,17,20,24 6:5
6:17 7:10,17,23 8:8
8:11 9:2,7,16,20 10:1
10:8,13,21 11:4,20
matter 10:6
matters 10:1
McCUTCHEN 2:22
mentioned 10:17
Merit 2:6
Micro 1:3 2:18
MICROPROCESSOR
1:16
mid-week 7:9
Mike 3:11 4:2 5:9 7:19
8:17
MILSTEIN 3:4
mind 7:11
moment 8:12
MORRIS 3:10
MYERS 2:15

N
N 2:2,7
necessary 11:2
need 10:20 11:22
needs 7:1 8:15
negotiations 6:4,10
neither 13:13
NEW 13:4
NICHOLS 3:10
night 6:14
Notary 13:5,19
notice 2:6 13:8
notify 7:16

given 13:12 go 4:22 6:24 8:24

				Page
0	7:3	11:14,14 12:1	v	8
offices 2:7		Smith 2:15 4:20,20	v 1:9,20	800 2:7
official 13:16	R	5:13,13 8:20 9:6,13	VINCENT 2:10	
Okay 5:20 7:10,17,23	R 13:1	10:15,15,23 12:3	Volin 3:7,18 5:6,6	
8:8 9:16 10:13,23	reach 6:11 7:4,6 8:6	solution 11:3	, , , , , , , , , , , , , , , , , , , ,	
11:20	10:18	SPECIAL 2:10 3:16,22	W	
open 8:5	reached 7:15 8:4 10:24	3:24 4:4,15,21 5:2,8	W 2:11	-
opportunity 6:9	receive 6:13	5:10,12,17,20,24 6:5	walked 3:19	
originally 6:6	record 9:19 13:12	6:17 7:10,17,23 8:8	want 9:21	
•	recorded 13:9	8:11 9:2,7,16,20 10:1	Washington 3:5	
outcome 13:15	reduce 7:8	10:8,13,21 11:4,20		
outstanding 6:9 7:16	Registered 2:1,6	State 13:3,6	Wednesday 2:7 7:14,22 week 7:9 11:13	
O'Melveny 2:15 4:18	regularly 9:3	statements 13:9,12	West 10:12	
P	remaining 11:6	STATES 1:1		
	remember 9:8	status 8:1	Wilcox 2:1,4,4	
paper 11:6	report 7:14 8:4	Street 2:2,7	Wilmington 2:2,7 5:16	
Parcels 2:2	reported 7:20	substantive 10:24 11:5	5:19	
part 11:1		11:11	WITNESS 13:16	
participants 13:9,13	Reporter 1:24 2:6		word 7:24	
participate 4:14	13:19,20	suggested 11:23	work 10:4	
parties 6:12	Reporters 2:1,4	Suite 2:7	works 8:13,18	
party 13:14	represent 6:15	supervision 13:11	worth 9:11	
PAUL 1:17	representing 4:2	supposed 6:6	writing 7:8	
PHIL 1:17	request 6:7	sure 6:20 9:6 10:17	www.corbettreporti	
place 13:8	reserve 7:13	11:7	2:3	
Plaintiff 1:8	reserved 7:21			
plaintiffs 1:19 3:8 4:9	Richard 2:23 3:7,18	T	0	
5:1,5,7 8:3	4:13 5:6,22 8:21	T 13:1,1	05-MD-1717-JJF 1:17	
plate 11:1	RICHARDS 2:13	taken 2:6 13:7	05-441 1:5	
please 5:20 7:18 8:12	right 9:16 11:20	talk 6:7 7:1 8:6	05-485-JJF 1:18	
plenty 11:1	Ripley 2:23 4:13,16	talked 7:7	05 405 001 1:10	
point 6:22 7:15	5:22,23 8:21,21	teleconference 2:6 13:7	1	
POPPITI 2:10	RMR 1:24 13:19	Thank 3:24 4:4 5:2,8	11:00 10:8	
POTTER 2:21	roll 4:22	5:12,17 12:3,4	118-RPR 13:20	
Powell 3:11 4:2,2,10	Rome 2:7	Thanks 5:10	12th 13:16	
5:9,9 7:19,19 8:9,17		thereof 13:15	12th 13.10 1201 2:7	
8:17 10:6,11 12:4	S	things 10:16		
	Sales 1:5 2:19	think 7:12 9:5 10:4,16	13th 8:14,15 9:3	
present 2:8,11	saying 10:20 11:21	11:1,3,16	14th 9:15,18 11:2	
preview 11:17	schedule 11:12	THOMPSON 3:6	19801 2:2	
PRICKETT 3:2	scheduled 7:2 9:4	Thursday 9:8,21 10:7		
principle 7:5,7	seal 13:16	time 7:12,13 8:13 9:21	2	
problems 11:17	see 7:4	9:22 10:6 11:7 12:1	2007 2:8 13:17	
procedure 11:18	send 10:19	13:8	230 2:2	
proceed 6:3 8:7	sense 7:8,13	today 6:8,18	3 t	
produce 6:11	Service 1:6 2:19	TOLL 3:4		
production 7:5	serving 11:6	tomorrow 7:3 9:4,9	302 2:3	
Professional 2:1	set 9:17,21 11:18	transcribed 13:10		
progress 6:15	short 7:13		4	
proposal 6:9,13,14,20	shorthand 13:10,20	transcript 13:12	4:00 2:8	
Public 13:5,19		transcription 13:11	4:30 8:15,18 9:3 10:14	
purpose 7:24	significant 6:15	true 13:12	11:8,10,22,23	
pursuant 2:6 13:8	similarly 1:18	try 6:10	4:50 12:5	
put 6:7	simply 9:21	TUNNEL 3:10		
P.A 2:13	sitting 9:10	two 4:18	5	
P.L.L.C 3:4	situated 1:18		571-0510 2:3	
p.m 2:8 12:5	slot 8:13 11:8	U		
- 	small 3:5,18 4:8,24,24	understand 3:17 6:21	6	
Q	5:3 6:1,2,6,18 7:11,20	UNITED 1:1	6 2:8	
questions 6:20,22,24	8:2,19 9:11,23 10:3	use 9:22 11:22	V 2.0	
1				

EXHIBIT 11

```
Page 1
                 IN THE UNITED STATES DISTRICT COURT
 1
                    FOR THE DISTRICT OF DELAWARE
 2
 3
     ADVANCED MICRO DEVICES,
 4
                                     Civil Action No.
           Plaintiffs,
                                     05-441-JJF
 5
     v.
 6
     INTEL CORPORATION,
 7
           Defendant.
 8
           Teleconference in above matter taken pursuant to
     notice before Renee A. Meyers, Registered Professional
 9
     Reporter and Notary Public, in the offices of Blank
     Rome, LLP, 1201 North Market Street, Wilmington,
10
     Delaware, on Friday, July 20, 2007, beginning at
11
     approximately 4:00 p.m., there being present:
12
     BEFORE:
13
      THE HONOROABLE VINCENT J. POPPITI, SPECIAL MASTER
14
     APPEARANCES:
15
           O'MELVENY & MYERS
           LINDA SMITH, ESO.
16
              1999 Avenue of the Stars
              Los Angeles, California 90067
17
           for AMD
18
19
                          CORBETT & WILCOX
20
                 Registered Professional Reporters
         230 North Market Street Wilmington, DE 19899
21
                           (302) 571-0510
22
                      www.corbettreporting.com
           Corbett & Wilcox is not affiliated
23
            With Wilcox & Fetzer, Court Reporters
24
```

	Page 2		Page 4
1 2	APPEARANCES (Continued):	1	MR. CHANDLER: Your Honor, for AMD, it's
	RICHARDS, LAYTON & FINGER	2	Chad Chandler, and we have, with us, Linda Smith and
3	CHAD CHANDLER, ESQ. One Rodney Square	3	perhaps others from O'Melveny.
4	Wilmington, DE 19899	4	SPECIAL MASTER POPPITI: Linda, are you on?
5	for AMD	5	It may be that Miss Smith is not on yet, your Honor.
6	POTTER, ANDERSON & CORROON RICHARD L. HORWITZ, ESQ.	6	MS. SMITH: Your Honor, I am.
	1313 North Market Street, 6th Floor	7	SPECIAL MASTER POPPITI: Anyone else joining
7 8	Wilmington, DE 19899	8	you?
	COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.	9	MS. SMITH: Chad Chandler is supposed to be
9	DANIEL SMALL, ESQ. LANA HERBERT, ESQ.	10	on. Is he on?
10	1100 New York Avenue, N.W Suite 500, West Tower		
11	Washington, D.C. 20005	11	SPECIAL MASTER POPPITI: Yes, he is on.
12	for Class	12	MS. SMITH: I just got on the line.
	FINKELSTEIN THOMPSON & LOUGHRAN	13	SPECIAL MASTER POPPITI: Thank you. Why
13	RICHARD VOLEN, ESQ. 235 Pine Street, 15th Floor	14	don't we get started.
14	San Francisco, California 94104 for Class	15	The purpose was my request for a status on
15		16	where we were with meet and confers, communication,
16	BLANK ROME, LLP MARY MALONEY, ESQ.	17	etcetera, with Frys.
17	1 Logan Square Philadelphia, Pennsylvanie 19103	18	MR. SMALL: Dan Small, if I may address
18	for Frys Electronics	19	that.
19	QUINN EMANUEL	20	SPECIAL MASTER POPPITI: Please.
20	MICHAEL POWELL, ESQ.	21	MR. SMALL: We have, as I am sure that you
21	865 S. Figueroa Street, 10th Floor Los Angeles, California 90017	22	are aware, been at this for a very long time negotiating
22	for Frys Electronics	23	with Frys to try and work out with them an agreement for
23		24	them to produce data to us, and I would characterize the
24			and to produce data to as, and I would endidetelize the
	Page 3		Page 5
1	SPECIAL MASTER POPPITI: If we could start	1	negotiations not only as long but difficult with a lot
2	with a roll call and if we could start with the Class	2	of ups and downs. We thought, several times, that we
3	plaintiffs.	3	were close to an agreement, where it turns out we really
4	MR. SMALL: Your Honor, this is Dan Small	4	weren't, and I think we have reported to you probably a
5	with Cohen, Milstein for the Class plaintiffs.	5	few times in the past that we thought we were close to
6	SPECIAL MASTER POPPITI: Thank you.	6	agreement, so we are now we have continued to work
7	MS. HERBERT: Lana Herbert for the Class	7	hard.
8	plaintiffs.	8	There have been there has been a lot of
9	MR. VOLEN: Richard Volen from Finkelstein	9	back and forth since the last time that we spoke with
10	Thompson for the Class.	10	you, and we are, I believe, in a different position
11	SPECIAL MASTER POPPITI: Thank you.	11	today than we have been in before.
12	MR. POWELL: Mike Powell from Quinn Emanuel	12	I believe that we are very close to an
13	for Frys Electronics.	13	agreement. There is a final proposal, I would
14	SPECIAL MASTER POPPITI: Thank you.	14	characterize it as a final proposal on the table
15	•	15	
	MS. GRAHAM: And Mary Graham for Frys		SPECIAL MASTER POPPITI: Okay.
16	Electronics.	16	MR. SMALL: That has been presented, you
17	MS. MALONEY: And Mary Maloney from Blank	17	know, to all the relevant parties, and, in fact, I think
18	Rome.	18	we would have known today whether we had a deal but for
19	MR. HORWITZ: Rich Horwitz for Intel.	19	the fact that a management person from Frys who has to
20	SPECIAL MASTER POPPITI: Good afternoon. I	20	approve this is away on vacation and not reachable.
21	think Rick Ripley from Bingham McCutchen is on for Intel	21	SPECIAL MASTER POPPITI: Okay.
22	as well.	22	MR. SMALL: And, so, what we have agreed to
23	MR. RIPLEY: Yes, I am, Your Honor.	23	with Frys, in light of that, is that they will commit to
24	SPECIAL MASTER POPPITI: Thanks very much.	24	telling us by Wednesday whether or not we have a deal,

2 (Pages 2 to 5)

	Page 6		Page 8
1	and in either event, subject to Your Honor's	1	CERTIFICATE.
2	availability, to have another call with your Honor on	2	STATE OF DELAWARE:
3	Wednesday so that we can report to you whether we have a	۱.	:
4	deal or whether we need to have further proceedings	3	NEW OASTLE COUNTY:
5	before your Honor.	4 5	I, Renjee A. Meyers, a Registered Professional Reporter, within and for the County and State aforesaid,
6	SPECIAL MASTER POPPITI: Okay. May I hear	6	do nereby certify that the foregoing hearing was taken
7	from Frys' perspective, please.	7	before the, pursuant to notice, at the time and place
8	MR. POWELL: Yes, your Honor. This is Mike	8	indicated; that the testimony was correctly recorded in
9	Powell with Quinn Emanuel. Dan has accurately	9	machine shorthand by me and thereafter transcribed under
10	reflected, I think, the status of events, and we are	10	my supervision with computer-aided transcription; that
11	agreeable to having Wednesday be the cutoff for our	11	the foregoing heating is a true record of the testimony
12	response.	12 13	given; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome
13	SPECIAL MASTER POPPITI: And look, then, to	14	
14	Wednesday for a touch base telecon as well? Is that	15	WITNESS my hand this 23rd day of July A.D. 2007.
15	something that you both want to do?	16	WITHESS my hand this 23rd day of July A.D. 2007.
16	MR. SMALL: Yes, your Honor.	17	'8' 'Y' ('\
17	MR. POWELL: So if we could have it as late		
18	in the day as possible on Wednesday, just because we are	18	RENEE A. MEYERS REGISTERED PROFESSIONAL REPORTER CERTIFICATION NO. 106-R98. (Expires January 31, 2008)
19	on the West Coast, that's fine.	19	CERTIFICATION NO -106-RUP.
20	SPECIAL MASTER POPPITI: Just give me one	1.5	(Expires January 31, 2008)
21	moment, please.	20	Ch Ch
22	Can we, then, on Wednesday, the 25th, let's	21	1/2 -4
23	look at 4:30 if that works for everyone's schedule?	22	%
24	MR. SMALL: That's fine with me, your Honor.	23 24	S. S
	· · · · · · · · · · · · · · · · · · ·	27	
	Page 7		
1	SPECIAL MASTER POPPITI: Okay. Mr. Powell.		•
2	MR. POWELL: Checking. One moment.		
3	SPECIAL MASTER POPPITI: Thank you.		
4	MR. POWELL: 4:30 is fine for me.		
5	SPECIAL MASTER POPPITI: Okay. Are there		
6	any other matters, then, that need to be dealt with		
7	today?		•
8	MR. SMALL: I don't think so, your Honor.		
9	SPECIAL MASTER POPPITI: Thank you all.		
10	(The teleconference was concluded at 4:08		•
11	p.m.)		
12			
13	·		
14			
15	·		
16	 		
17			
18			•
19			
20			
21			
22			
23			
24			
L			

3 (Pages 6 to 8)

				Page
A	CORROON 2:5	H	meet 4:16	0
accurately 6:9	counsel 8:12	hand 8:15	Meyers 1:9 8:4,18	Quinn 2:19 3:12 6:9
action 1:4 8:13	County 8:3,5	hard 5:7	MICHAEL 2:20	Quini 2.13 3.12 0.3
	Court 1:1,23	HAUSFELD 2:8	MICRO 1:3	R
address 4:18	cutoff 6:11		Mike 3:12 6:8	R 8:1
ADVANCED 1:3		hear 6:6	Milstein 2:8 3:5	
affiliated 1:22	D	hearing 8:6,11	moment 6:21 7:2	reachable 5:20
aforesaid 8:5	Dan 3:4 4:18 6:9	Herbert 2:9 3:7,7	MYERS 1:15	really 5:3
afternoon 3:20	DANIEL 2:9	Honor 3:4,23 4:1,5,6	WILLIAS 1.13	record 8:11
agreeable 6:11	1	6:2,5,8,16,24 7:8	N	recorded 8:8
agreed 5:22	data 4:24	HONOROABLE 1:13	need 6:4 7:6	reflected 6:10
agreement 4:23 5:3,6	day 6:18 8:15	Honor's 6:1		Registered 1:9,20 8:4
5:13	DE 1:21 2:4,7	Horwitz 2:6 3:19,19	negotiating 4:22	8:18
AMD 1:17 2:4 4:1	deal 5:18,24 6:4		negotiations 5:1	relevant 5:17
ANDERSON 2:5	dealt 7:6	I	neither 8:12	Renee 1:9 8:4,18
Angeles 1:17 2:21	Defendant 1:7	indicated 8:8	New 2:10 8:3	report 6:3
APPEARANCES 1:14	Delaware 1:2,10 8:2	Intel 1:6 3:19,21	North 1:10,21 2:6	reported 5:4
2:1	DEVICES 1:3	interested 8:13	Notary 1:9	Reporter 1:9 8:5,18
approve 5:20	different 5:10		notice 1:9 8:7	Reporters 1:20,23
approximately 1:11	difficult 5:1	J	N.W 2:10	request 4:15
availability 6:2	DISTRICT 1:1,2	J 1:13		response 6:12
Avenue 1:16 2:10	downs 5:2	January 8:19	0	Rich 3:19
aware 4:22	D.C 2:11	joining 4:7	offices 1:9	Richard 2:6,13 3:9
A.D 8:15		July 1:10 8:15	Okay 5:15,21 6:6 7:1,5	RICHARDS 2:2
1112 0.13	E	July 1:10 0:15	outcome 8:13	Rick 3:21
В	E 8:1,1	K	O'Melveny 1:15 4:3	Ripley 3:21,23
back 5:9	either 6:1	kin 8:12		Rodney 2:3
base 6:14	Electronics 2:18,21	know 5:17	P	roll 3:2
beginning 1:10	3:13,16		parties 5:17	1
believe 5:10,12	Emanuel 2:19 3:12 6:9	known 5:18	party 8:13	Rome 1:10 2:16 3:18
Bingham 3:21	ESQ 1:16 2:3,6,9,9,13	L	Pennsylvanie 2:17	S
Blank 1:9 2:16 3:17	2:16,20	L 2:6	person 5:19	
Diank 1.9 2.10 3.17	etcetera 4:17		perspective 6:7	S 2:20
C	event 6:1	Lana 2:9 3:7	Philadelphia 2:17	San 2:14
	events 6:10	late 6:17	Pine 2:13	schedule 6:23
C 8:1,1	everyone's 6:23	LAYTON 2:2	place 8:7	shorthand 8:9
California 1:17 2:14,21	Expires 8:19	let's 6:22	plaintiffs 1:4 3:3,5,8	Small 2:9 3:4,4 4:18,18
call 3:2 6:2	Expires 6.17	light 5:23	please 4:20 6:7,21	4:21 5:16,22 6:16,24
CASTLE 8:3	F	Linda 1:16 4:2,4		7:8
CERTIFICATION	F 8:1	line 4:12	POPPITI 1:13 3:1,6,11	Smith 1:16 4:2,5,6,9,12
8:19	fact 5:17,19	LLP 1:10 2:16	3:14,20,24 4:4,7,11	SPECIAL 1:13 3:1,6
certify 8:6		Logan 2:17	4:13,20 5:15,21 6:6	3:11,14,20,24 4:4,7
Chad 2:3 4:2,9	Fetzer 1:23	long 4:22 5:1	6:13,20 7:1,3,5,9	4:11,13,20 5:15,21
Chandler 2:3 4:1,2,9	Figueroa 2:20	look 6:13,23	position 5:10	6:6,13,20 7:1,3,5,9
characterize 4:24 5:14	final 5:13,14	Los 1:17 2:21	possible 6:18	spoke 5:9
Checking 7:2	fine 6:19,24 7:4	lot 5:1,8	POTTER 2:5	Square 2:3,17
Civil 1:4	FINGER 2:2	LOUGHRAN 2:12	Powell 2:20 3:12,12 6:8	Stars 1:16
Class 2:11,14 3:2,5,7	Finkelstein 2:12 3:9		6:9,17 7:1,2,4	start 3:1,2
3:10	Floor 2:6,13,20	M	present 1:11	started 4:14
close 5:3,5,12	foregoing 8:6,11	machine 8:9	presented 5:16	State 8:2,5
Coast 6:19	forth 5:9	Maloney 2:16 3:17,17	probably 5:4	STATES 1:1
Cohen 2:8 3:5	Francisco 2:14	management 5:19	proceedings 6:4	status 4:15 6:10
commit 5:23	Friday 1:10	Market 1:10,21 2:6	produce 4:24	Street 1:10,21 2:6,13
communication 4:16	Frys 2:18,21 3:13,15	Mary 2:16 3:15,17	Professional 1:9,20 8:4	2:20
computer-aided 8:10	4:17,23 5:19,23 6:7	MASTER 1:13 3:1,6	8:18	subject 6:1
concluded 7:10	further 6:4	3:11,14,20,24 4:4,7	proposal 5:13,14	Suite 2:10
confers 4:16		4:11,13,20 5:15,21	Public 1:9	supervision 8:10
continued 2:1 5:6	G	6:6,13,20 7:1,3,5,9	purpose 4:15	supposed 4:9
Corbett 1:20,22	give 6:20	matter 1:8	pursuant 1:8 8:7	sure 4:21
CORPORATION 1:6	given 8:12	matters 7:6	P.L.L.C 2:8	
correctly 8:8	Good 3:20	McCutchen 3:21	p.m 1:11 7:11	T
	Graham 3:15,15			
	· ·			

				Page 2
70.0.1.1	10.17			
T 8:1,1	1 2:17			
table 5:14	10th 2:20			·
taken 1:8 8:6	106-RPR 8:19		1	
telecon 6:14	1100 2:10			
teleconference 1:8 7:10				
telling 5:24	1313 2:6		i	
testimony 8:8,11	15th 2:13	ľ		
Thank 3:6,11,14 4:13	19103 2:17	1		
7:3,9	19899 1:21 2:4,7	ļ		
Thanks 3:24	1999 1:16			
thereof 8:14			1	
think 3:21 5:4,17 6:10	2			
7:8	20 1:10		}]
Thompson 2:12 3:10	20005 2:11		1	
thought 5:2,5	2007 1:10 8:15		1	
time 4:22 5:9 8:7	2008 8:19			
times 5:2,5	23rd 8:15		1	
today 5:11,18 7:7	230 1:21			
TOLL 2:8	235 2:13			j l
touch 6:14	25th 6:22			
Tower 2:10				
transcribed 8:9	3			
transcription 8:10	302 1:21			
true 8:11	31 8:19	1		1
try 4:23				
turns 5:3	4	•		
, , , , , , , , , , , , , , , , , , , ,	4:00 1:11			
U	4:08 7:10			
UNITED 1:1	4:30 6:23 7:4			
ups 5:2	4.50 0.23 7.4			
ups 5.2	5			
V	500 2:10			
v 1:5	571-0510 1:21			
vacation 5:20	3/1-0310 1.21		·	
VINCENT 1:13	6			
Volen 2:13 3:9,9	6th 2:6			
Voien 2.15 5.9,9	6th 2:6		•	
W	8		·	
want 6:15				
Washington 2:11	865 2:20			
Wednesday 5:24 6:3,11	9			
6:14,18,22	90017 2:21			
weren't 5:4	90067 1:17			
West 2:10 6:19	94104 2:14			
Wilcox 1:20,22,23				
Wilmington 1:10,21				
2:4,7				
WITNESS 8:15			·	
work 4:23 5:6				
works 6:23	,			
www.corbettreporti				
1:22				
Y				
York 2:10				
0				
05-441-JJF 1:5				
4	·			
11				